



**TOWN OF CEDAR LAKE – PLAN COMMISSION
SPECIAL PUBLIC MEETING & WORK SESSION
MINUTES
JANUARY 6, 2016 7:00 P.M.**

Call To Order (Time): 7:00 p.m.

Pledge to Flag:

Roll Call:

Present Diane Cusack

Present Chuck Becker

Present John Kiepura

Present John Foreman

Present Richard Sharpe

Present Jerry Wilkening

Present Greg Parker

Present Donald Oliphant, Town Engineer – CBEL

Present David Austgen, Town Attorney

Present Tim Kubiak, Building Commissioner

Present Brooke Faber, Recording Secretary

1. Nomination and Appointment of Officers:

President: A motion was made by John Kiepura and seconded by John Foreman to have Greg Parker as President.

Diane Cusack	Chuck Becker	John Kiepura	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote
Yes	Yes	Yes	Yes	Yes	Yes	Yes	7-0

Vice President: A motion was made by John Foreman and seconded by Richard Sharpe to have John Kiepura as Vice President.

Diane Cusack	Chuck Becker	John Kiepura	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote
Yes	Yes	Yes	Yes	Yes	Yes	Yes	7-0

2. Retention of Services:

Legal Services: A motion was made by John Foreman and seconded by Richard Sharpe to retain Austgen, Kuiper & Jasaitis as Legal Counsel.

Diane Cusack	Chuck Becker	John Kiepura	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote
Yes	Yes	Yes	Yes	Yes	Yes	Yes	7-0

Engineering Services: A motion was made by John Foreman and seconded by Jerry Wilkening to retain Christopher B. Burke Engineering, Ltd. as town engineers.

Diane Cusack	Chuck Becker	John Kiepura	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote
Yes	Yes	Yes	Yes	Yes	Yes	Yes	7-0

3. Appointments:

Appointment to the Board of Zoning Appeals: A motion was made by John Foreman and seconded by Richard Sharpe to appoint John Kiepura to Board of Zoning Appeals.

Diane Cusack	Chuck Becker	John Kiepura	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote
Yes	Yes	Yes	Yes	Yes	Yes	Yes	7-0

Special Meeting:

1. Cedar Lake/Town Park & Recreation Impact Fee Ordinance Matters and Related

1. Town Attorney's Review: David Austgen stated this is a public hearing, notice of public hearing occurred in the newspaper, The Post Tribune on December 18, 2015 and in The Times on December 21, 2015, that meets the requirement of the law for public hearing. The other aspect of the public hearing is that this is a specific requirement of the Indiana Code for an impact fee to be imposed. The process was rather simple in

some respects. It has forty (40) sections in the Indiana Code 1300 series, but the team that worked on it are veterans, so we are giving it to you in a simplified way. Indiana Code requires the establishment of Impact Advisory Committee to undertake and study the conditions that are provided by the statute for the establishment of this fee. Our town has an ordinance, but the law says an ordinance that is adopted has a five (5) year life. In order to continue to collect the fee, we need to re-establish, by following the same procedure again. Start from the beginning to continue it to its collection point in the Planning & Building Department, when they collect fees for single family homes in our town. The reason for the special meeting is the expiration time of February 29. If it is deemed appropriate tonight with a favorable recommendation to the Town Council then they have two or three meetings to act upon and adopt if they find appropriate to continue to collect park impact fees.

- Petitioner’s Comments: Taghi Arshami, from The Arsh Group, stated they have decided to set the fee for the next five (5) years at \$1,215.00. He supplied two packets of materials, one with brief summary of meetings, the second with a statement of findings that is required for the comprehensive plan and ordinance. This is for all new residential development.
- Town Engineer’s Comments: No Comments
- Building Department Comments: Tim Kubiak stated this started five (5) years ago and it was \$963.00, with negotiations it raised \$252.00, which seems like a fair amount. The money to acquire the property around Bartlett Park came from this fee. This does have a positive impact on the town.
- Commission’s Discussion: John Kiepura asked for clarification of who is paying this fee. Answer was the builder pays this fee to the town. John Foreman stated it was a very organized report and thanked the committee for their hard work.
- Remonstrators: None

A motion was made by Jerry Wilkening and seconded by Richard Sharpe to approve the proposed fee as presented.

Diane Cusack	Chuck Becker	John Kiepura	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote
Yes	Yes	Yes	Yes	Yes	Yes	Yes	7-0

David Austgen stated that a Resolution needs to be made for the Park Impact Fee. Resolution recommending reestablishment ordinance for a Town Park Equitable Impact Fee, approving Park Impact fee for the Town of Cedar Lake, Lake County, Indiana. Recommending adoption and enactment of such reestablishment ordinance by the Cedar Lake Town Council in conformance with applicable law, and all other matters related thereto. There are a handful of recital paragraphs that explain the history of Park Impact Fee and what has been done in the past and Ordinance 1138 which was adopted nearly five years ago. A reference to the study and the work of the impact committee and of the consultant with the recommended fee of \$1,215.00 per dwelling unit in the application. The proposed ordinance to the Town Council is attached as Exhibit “A” with the recommendation to consider this Resolution so the Town Council can be handed this based upon the action earlier in the night.

A motion was made by John Kiepura and seconded by Richard Sharpe to consider and approve the Resolution.

Diane Cusack	Chuck Becker	John Kiepura	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote
Yes	Yes	Yes	Yes	Yes	Yes	Yes	7-0

3. Hanover High School Athletic Fields – Site Plan

Owner: Hanover School Corporation, 9520 W. 133rd Avenue, Cedar Lake, IN 46303
 Petitioner: Hutton & Hutton, Architects & Engineers, 6832 Calumet Avenue, Hammond, IN 46324
 Vicinity: 10120 W. 133rd Avenue, Cedar Lake, IN 46303
 Legal Description: Pt. E.1/2 SW.1/4 S.21 T.34 R.9 Ly’ng E. of RR 17.639Ac
 Tax Key Number(s): 45-15-21-377-005.000-014

Request: Petitioner is requesting site plan approval to establish Athletic Fields, Parking and detention pond.

- Town Attorney’s Review: No review.

2. Petitioner’s Comments: Bill Hutton stated they are asking for approval on this project. They have been in contact with Sigma Energy a local company that designs and installs LED lights, we are waiting on a proposal from them as well as a few other companies.
3. Town Engineer’s Comments: Don Oliphant stated they are still concerned with the lighting and the wetlands issue. The other issue would be the BZA Variance, for the cyclone fence. Regarding the rest of the site plan, have gone through it with Don Torrenga. The wetland issue could affect the site plan, could do a site plan amendment if it affects it in anyway. They will be required to have a Letter of Credit for Public Infrastructure Improvements for their entrance for \$12,429.18.
4. Building Department Comments: Tim Kubiak stated he did not like the contingency if the site plan changes because of the wetlands. The idea of getting this approved is so they can get ideas of the drainage plans. Doesn’t want them to say we are good today, and they start getting quotes and then something comes back with the wetlands issue and then it needs to change, as long as they are clear on the understanding. If it comes back negative they will have to make changes on the site plan.
5. Commission’s Discussion: Jerry Wilkening stated we would be approving a site plan that might not be the plan. John Foreman wanted to know about the existing detention basin, will the row of trees be cleaned up or remain. Bill Hutton said it will remain the same.

A motion was made by John Foreman and seconded by Diane Cusack contingent on the wetland issue and the engineering on being approved for the wetlands and for the Letter of Credit that is needed for the improvements and for the BZA approval on the fence.

Diane Cusack	Chuck Becker	John Kiepura	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote
Yes	Yes	Yes	Yes	Yes	Yes	Yes	7-0

4. Hanover High School Parking Lot Improvements – Site Plan

Owner: Hanover School Corporation, 9520 W. 133rd Avenue, Cedar Lake, IN 46303
 Petitioner: Hutton & Hutton, Architects & Engineers, 6832 Calumet Avenue, Hammond, IN 46324
 Vicinity: 10120 W. 133rd Avenue, Cedar Lake, IN 46303
 Legal Description: Hanover Central Campus Sub Lot 1Ex. Fieldhouse & Spec. gym parcel
 Tax Key Number(s): 45-15-21-451-005.000-014

Request: Petitioner is requesting site plan approval to establish Parking Lot Improvements.

1. Town Attorney’s Review: None
2. Petitioner’s Comments: Bill Hutton stated, they have met with a lighting contractor that will give them a photometric as well as their cost to install a couple of light poles. Did submit to the BZA for the fence.
3. Town Engineer’s Comments: Don Oliphant said we recommended approval with the following conditions, and one is acquiring the property to the south the other is BZA approval and then lighting and the requested waivers with storm water detention and total suspended solid removal requirements. He also stated it would not be a simple fix to just remove two rows of parking; it would change the engineering plans.
4. Building Department Comments: Tim Kubiak stated the site plan can significantly change if they don’t acquire this property. Bill Hutton stated there have been communications between Tom Taylor and the Library Board and Library Director. Tim Kubiak asked if the Library was coming in for some type of a subdivision for their property. Bill Hutton stated if they come to an agreement on the property there will have to be some type of subdivision, will need to apply that piece of property to be part of the school. Bill Hutton also stated that it would only be a matter of cutting off two rows of parking and an aisle if they are not able to acquire the property. Tim Kubiak stated it would be different if they had a contract to buy the property that was closing in 60 days, and show us you were acquiring this property.
5. Commission’s Discussion: Jerry Wilkening asked if they had acquired the property from the library. Bill Hutton stated they are very close to it. John Kiepura asked if they were going to put new lights up on the existing poles. Bill Hutton stated that some old poles can be used and they will need some new poles. David Austgen stated the Library Board needs to sign off on this if they are not joint petitioners.

A motion was made by John Kiepura and seconded by Jerry Wilkening to defer this to the January 20, 2016 Public Meeting.

Town of Cedar Lake – Plan Commission
Special Public Meeting & Work Session
Minutes-January 6, 2016

Diane Cusack	Chuck Becker	John Kiepura	Richard Sharpe	John Foreman	Jerry Wilkening	Greg Parker	Vote
Yes	Yes	Yes	Yes	Yes	Yes	Yes	7-0

Work Session:

John Foreman wanted to look into a walking path around the Town Grounds and removing some of the fence. Could we use the black top machine we have or is it too wide for a walking path around this piece of property. Possibly have Don Oliphant put something together that would make sense. There is a lot of interest from the Public; the Parks could possibly use this for exercise programs. Most walking paths in various communities have a bike side and a pedestrian side. Would like to take out fence, make it more inviting to the public.

Old Business:

1. Schilling Development- Lakeside Subdivision-Preliminary Plat/Site Plan Approval

Owner: Cedar Lake 133, LLC, PO Box 677, St. John, IN 46373
Petitioner: Schilling Development, PO Box 677, St. John, IN 46373
Vicinity: 5711 W. 133rd. Ave., Cedar Lake, IN, 46303
Legal Description: THE EAST HALF (E ½) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY-FIVE (25), TOWNSHIP THIRTY-FOUR (34) NORTH, RANGE NINE (9) WEST OF THE SECOND PRINCIPAL MERIDIAN, CONTAINING EITHY (80) ACRES, MORE ORO LESS, IN LAKE COUNTY, INDIANA. (E2. NW. S.25 T.34 R.9 80A.)
Tax Key Number(s): 45-15-25-100-001.000-043
Request: Petitioner is requesting Preliminary Plat approval, as required by Subdivision Control Ordinance No. 498. This is required to establish a two hundred (200) lot single-family subdivision that is currently zoned R2- Residential single family.

Deferred 30 days to August 19, 2015 Public Meeting.
Deferred to September 16, 2015 Public Meeting.
Deferred to December 16, 2015 Public Meeting.
Deferred to March 16, 2016 Public Meeting.

Update Item:

1. Zoning & Lighting Ordinance Update-Continuing to work on.

Public Comment: None
Adjournment: 7:53 p.m.
Press Session: Plan Commission Public Meeting – January 20, 2016 at 7:00pm

Jerry Wilkening

John Foreman

Jim Hunley

Greg Parker

Diane Cusack

Patsy Casassa

John Kiepura

Attest: Brooke Faber, Recording Secretary