



**TOWN OF CEDAR LAKE – PLAN COMMISSION  
PUBLIC MEETING MINUTES  
SEPTEMBER 21, 2016 7:00 P.M.**

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

**Roll Call:**

|                         |  |
|-------------------------|--|
| Present Diane Cusack    | Present Donald Oliphant, Town Engineer – CBBEL |
| Present Chuck Becker    | Present David Austgen, Town Attorney           |
| Absent John Kiepura     | Present Tim Kubiak, Director of Operations     |
| Present John Foreman    | Present Brooke Faber, Recording Secretary      |
| Present Richard Sharpe  |  |
| Present Jerry Wilkening |  |
| Present Greg Parker     |  |

Others Present: Michelle Bakker, Building Administrator, Robert Carnahan, Town Council

**Minutes:**

A motion was made by Richard Sharpe and seconded by Chuck Becker to approve the August 3, 2016 Work Session and August 17, 2016 Public Meeting Minutes as presented.

|              |              |              |                |              |                 |             |      |
|--------------|--------------|--------------|----------------|--------------|-----------------|-------------|------|
| Diane Cusack | Chuck Becker | John Kiepura | Richard Sharpe | John Foreman | Jerry Wilkening | Greg Parker | Vote |
| Yes          | Yes          | Absent       | Yes            | Yes          | Yes             | Yes         | 6-0  |

**Old Business:**

David Austgen stated he would like direction to allow him to circulate these are proposed findings of fact and determination regarding the Henn’s Transportation Warehousing, LLC. Can we take a couple minutes to look at this. The first page is just historical explanation of the applications made, the parcel of land, requested land use approvals. Second page has zoning and parcels identified. The BZA actions related to the special exceptions, the Town Council follow up approval for the use in a residential zoning district. The planning application commencement, the review through the course by our town engineering consultants of all the plans as the plan developed. Then a determination at the bottom of page 2. This was to reference specifically that you approved the primary plat and the site plan based upon these conditions. That the site plan was approved in final form and content as presented and verified by Don. Letter A on the bottom of page 2 identifies the establishment of the forty (40) foot conservation easement and its location. Page 3 B. the operations controlled by the electronic gate and the terms for that, C. Installation of LED down lighting, D. Size of the constructed buildings, E. Six (6) foot chain link fence condition, and privacy fence, F. The outdoor storage area, to be 10 ft x 30 ft in dimension, G. Limitation to only licensed recreational vehicles, H. Prohibited items in outdoor storage area are identified, I. July 19 letter report of Don and his firm with the series of contingencies related to storm water, that letter will be attached. Also to be attached the July 18 letter of the Henn Family. We don’t do this on everyone, but at the direction of the commission, we were requested to prepare findings and determination at the conclusion of the proceedings and the approval. This is a draft, did not expect it to be approved tonight. This can be made into a recordable instrument.

Discussion on type of fence ensued. Don Oliphant stated they issued another letter on August 31<sup>st</sup> to address some of the water issues. Has the storm water permit that needs to submit. David Austgen stated he will add that on July 19, 2016 and August 31, 2016, the town engineer transmitted letter reports. Greg Parker stated will have time to review this and add changes by next meeting.

**1. Thomas Taylor & Kathryn Devine Taylor-Preliminary Plat/Site Plan Approval**

|                    |  |
|--------------------|--|
| Owner:             | Thomas Taylor & Kathryn Taylor, 14801 Clark Rd., Crown Point, IN 46307 |
| Petitioner:        | Thomas Taylor & Kathryn Taylor, 14801 Clark Rd., Crown Point, IN 46307 |
| Vicinity:          | 13221 Colfax St., Cedar Lake, IN 46303                                 |
| Legal Description: | E.110FT OF S.60RDS. EX. S.350FT. OF SE SE S.23 T.34 R.9 1.386A.        |
| Tax Key Number(s): | 45-15-23-478-001.000-043   |

**Request:**                    **Petitioner is requesting to create a four (4) lot subdivision to separate existing house and garage and create three (3) scenic lots.**

**Deferred from March 16, 2016 Public Meeting**  
**Deferred from April 20, 2016 Public Meeting**  
**Deferred from May 18, 2016 Public Meeting**  
**Deferred from June 15, 2016 Public Meeting**  
**Deferred from July 20, 2016 Public Meeting**  
**Deferred from August 17, 2016 Public Meeting**  
**Deferred to September 21, 2016 Public Meeting**

1. Town Attorney's Review:
2. Petitioner's Comments:
3. Remonstrators:
4. Town Engineer's Comments:
5. Building Department Comments:
6. Commission's Discussion:
7. Commission's Decision:

A motion was made by Chuck Becker and seconded by Jerry Wilkening to defer to the October 19, 2016 Public Meeting.

|              |              |              |                |              |                 |             |      |
|--------------|--------------|--------------|----------------|--------------|-----------------|-------------|------|
| Diane Cusack | Chuck Becker | John Kiepura | Richard Sharpe | John Foreman | Jerry Wilkening | Greg Parker | Vote |
| Yes          | Yes          | Absent       | Yes            | Yes          | Yes             | Yes         | 6-0  |

## 2. Watt Holdings, LLC – Preliminary Plat/3-Lot Subdivision

Owner: Monte Watt, 11411 135<sup>th</sup> Pl., Cedar Lake, IN 46303  
Petitioner: Watt Holdings, LLC, 11411 W. 135<sup>th</sup> Pl., Cedar Lake, IN 46303  
Vicinity: 11255 to 11500 W. 136<sup>th</sup> Pl., Cedar Lake, IN 46303  
Legal Description: Muir Woods Outlot A and Muir Woods Outlot B and Muir Woods Outlot C and PT SE1/4 NE1/4 S.29 T.34 R.9 0.209 Ac  
Tax Key Number(s): 45-15-29-278-011.000-014 and 45-15-29-278-012.000-014 and 45-15-29-278-013.000-014 and 45-15-29-278-014.000-014

**Request:**                    **Petitioner is requesting Preliminary Plat/3-Lot Subdivision**

**Deferred from August 17, 2016 Public Meeting**  
**Deferred to September 21, 2016 Public Meeting**

1. Town Attorney's Review:
2. Petitioner's Comments:
3. Remonstrators:
4. Town Engineer's Comments:
5. Building Department Comments:
6. Commission's Discussion:
7. Commission's Decision:

A motion was made by John Foreman and seconded by Diane Cusack to defer to the October 19, 2016 Public Meeting.

|              |              |              |                |              |                 |             |      |
|--------------|--------------|--------------|----------------|--------------|-----------------|-------------|------|
| Diane Cusack | Chuck Becker | John Kiepura | Richard Sharpe | John Foreman | Jerry Wilkening | Greg Parker | Vote |
| Yes          | Yes          | Absent       | Yes            | Yes          | Yes             | Yes         | 6-0  |

## 3. David McDaniel – Preliminary Plat/1-Lot Subdivision

Owner: David McDaniel, PO Box 711, Cedar Lake, IN 46303  
Petitioner: David McDaniel, PO Box 711, Cedar Lake, IN 46303  
Vicinity: 7129 Vermillion, Cedar Lake, IN 46303  
Legal Description: Pt. NE.1/4 NW.1/4 S.23 T.34 R.9 (88x232ft) 0.468Ac  
Tax Key Number(s): 45-15-23-132-005.000-043

**Request:**                    **Petitioner is requesting Preliminary Plat/1-Lot Subdivision**

**Deferred from July 20, 2016 Public Meeting**

**Deferred from August 17, 2016 Public Meeting**  
**Deferred to September 21, 2016 Public Meeting**

1. Town Attorney’s Review:
2. Petitioner’s Comments:
3. Remonstrators:
4. Town Engineer’s Comments:
5. Building Department Comments: Tim Kubiak stated Mr. McDaniel was having trouble with his engineer getting this done.
6. Commission’s Discussion: David Austgen stated if folks aren’t ready, they are wasting your time. They are filing an application without the engineering. Tim Kubiak stated this is one we got stuck with because this is the one he came up with a meets and bounds parcel and we let him start working on his building if he would get filed for this application. Greg Parker asked if he was done with those improvements, maybe he needs a red tag. Need something to get his attention. Jerry Wilkening asked if they we should request a stop work order until everything is turned in. Michelle Bakker stated this was a contingency from the BZA. David Austgen stated give him notice that next month ready or being removed. If you want to control the public meeting agenda, people have applications they want to make to appear before you. Before they advertise for a public hearing, they need to appear before you at a study session. Or even another month of time they need to seek permission to advertise. That means they show up empty handed at that point still, maybe with a concept plan and they are going to tell you they will be ready and advertise. If they don’t hit the mark, the staff controls the agenda and they either make it or they don’t. Greg Parker stated they will leave with exact instructions on what they need to do. Discussion on the Watt petition ensued.

A motion was made by John Foreman and seconded by Jerry Wilkening to defer to the October 19, 2016 Public Meeting and with notification of final continuance.

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|--------------|--------------|--------------|----------------|--------------|-----------------|-------------|------|
| Diane Cusack | Chuck Becker | John Kiepura | Richard Sharpe | John Foreman | Jerry Wilkening | Greg Parker | Vote |
| Yes          | Yes          | Absent       | Yes            | Yes          | Yes             | Yes         | 6-0  |

**4. Mike & Amie Scharnke – Preliminary Plat/1-Lot Subdivision**

Owner: Mike & Amie Scharnke, 424 Siebert Dr., Schererville, IN 46375  
Petitioner: Mike & Amie Scharnke, 424 Siebert Dr., Schererville, IN 46375  
Vicinity: 6413 W. 133rd Ave., Cedar Lake, IN 46303  
Legal Description: E.20 RODS OF N.25 RODS EX. E. 170FT. S.26 T.34 R.9 1.518AC.  
Tax Key Number(s): 45-15-26-226-003.000-043

**Request: Petitioner is requesting Preliminary Plat/1-Lot Subdivision**

**Deferred to September 21, 2016 Public Meeting**

1. Town Attorney’s Review: David Austgen stated that the notification of public hearing is in evidence with publication in two (2) newspapers. Notice to adjacent property owners is made as evidence by the green card return receipt attached to the certified list of adjacent owners.
2. Petitioner’s Comments: Amie Scharnke stated they have addressed everything that you asked with the surveyor. He sent a list to Don about it.
3. Remonstrators: None
4. Town Engineer’s Comments: Don Oliphant stated issued a letter today, the surveyor turned stuff around in a couple days, so we did not have to issue another comment letter. Initially we recommended a waiver of the sidewalk requirements of the frontage because there are not other adjacent sidewalks. We are making Lakeside put in sidewalks. There has been discussion over the years about taking sidewalk down to that dip and connecting to Lemon Lake Park. Greg Parker stated he didn’t know if that will move forward or not, but it is not going to if we don’t start putting them in. Don Oliphant stated right now the sidewalk stops at Faith Church. St. Michaels has guard rails up against the pavement for the frontage of their property.
5. Building Department Comments: None
6. Commission’s Discussion: Discussion on the petitioner putting in sidewalk ensued. Driveway needs to be a hard surface.

A motion was made by Jerry Wilkening and seconded by Chuck Becker to approve the plans for a one (1) lot subdivision contingent on sidewalk and driveway improvements being added to the site plan and to include the findings of fact.

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|--------------|--------------|--------------|----------------|--------------|-----------------|-------------|------|
| Diane Cusack | Chuck Becker | John Kiepura | Richard Sharpe | John Foreman | Jerry Wilkening | Greg Parker | Vote |
| Yes          | Yes          | Absent       | Yes            | Yes          | Yes             | Yes         | 6-0  |

**New Business:**

**1. Kubiak Holdings – Preliminary Plat/1-Lot Subdivision**

Owner: Kubiak Holdings, 2035 Rue De St. Germaine, Austin, TX 78746  
Petitioner: Robert Kubiak, 2035 Rue De St. Germaine, Austin, TX 78746  
Vicinity: 9603 W. 133rd Ave., Cedar Lake, IN 46303  
Legal Description: PT. NE. NE. 125X127.37FT. S.28 T.34 R.9 0.172 Ac  
Tax Key Number(s): 45-15-28-228-011.000-014

**Request:                      Petitioner is requesting a Preliminary Plat/1-Lot Subdivision**

1. Town Attorney’s Review: David Austgen stated the legal’s are in order.
2. Petitioner’s Comments: Tim Kubiak, 9080 W. 129<sup>th</sup> Pl., Cedar Lake, IN. Looking for a one (1) lot subdivision. Last time we said we would check into the ownership of that parcel to the west, which according to the GIS is the town. I’m just here because the corner lot is a meets and bounds parcel and needs to be switched to a one (1) lot subdivision. Simply to do any improvements on the property. Have the plat done, building is there, property lines are there. The new right of way that was acquired by the town that is what is left on that corner.
3. Remonstrators: None
4. Town Engineer’s Comments: Don Oliphant stated still have some minor comments from the September 7 letter, if the surveyors want to add them real quick. Zoning of adjacent parcels, some corners that need to be clarified, very minor. There are likely some easements that cross this property, but none are shown. David Austgen stated we should get a copy of the title work. When the town was doing the 133<sup>rd</sup> project, that intersection was the first thing done. There was a piece on the northeast corner of the lot that was acquired.
5. Building Department Comments: Michelle Bakker stated he is just trying to make it a lot of record.
6. Commission’s Discussion: Discussion on the ownership of alleyway ensued. John Foreman read the deed; it was deeded to the Town of Cedar Lake, September 30, 2005. Jerry Wilkening stated trying to make the building and property a lot of record, this has nothing to do with the alley. Tim Kubiak stated yes, the building is three (3) inches away from the alleyway on the west and eighteen (18) from the south property line. David Austgen stated if there was accessibility from that alley to and through this parcel. It is a public way, so he would be allowed to go in and out of the alley. Tim Kubiak stated it would be an exit, if not the exit would be ten (10) feet to the east and be on the corner. Just want to fix it up.

A motion was made by Jerry Wilkening and seconded by Richard Sharpe to approve the one (1) lot subdivision contingent on the Town Engineers comments.

|              |              |              |                |              |                 |             |      |
|--------------|--------------|--------------|----------------|--------------|-----------------|-------------|------|
| Diane Cusack | Chuck Becker | John Kiepura | Richard Sharpe | John Foreman | Jerry Wilkening | Greg Parker | Vote |
| Yes          | Yes          | Absent       | Yes            | Yes          | Yes             | Yes         | 6-0  |

**2. Telamon/GES – Site Plan**

Owner: Hanover Community School Corp., 9520 W. 133rd Ave., Cedar Lake, IN 46303  
Petitioner: Telamon/GES, 1000 E. 116<sup>th</sup> St., Carmel, IN 46032  
Vicinity: 10120 W. 133<sup>rd</sup> Ave., 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 a Site Plan**

- 1. Town Attorney’s Review: None
- 2. Petitioner’s Comments: None
- 3. Remonstrators: None
- 4. Town Engineer’s Comments: None
- 5. Building Department Comments: None
- 6. Commission’s Discussion: Greg Parker stated an update, Mr. Breeden was asked at the last meeting to gather more information to present at the October 5, 2016 work session. Jerry Wilkening spoke regarding the questions he was asked, was being questioned regarding the schools business aspects or the use of the property. Can David Austgen explain to the board what our obligation is. David Austgen stated apparently there is some concern in the community, the discussion of fiscal components of the proposal to you may have crossed the line or been improper. Generally speaking fiscal discussions are not applicable to land use approvals. Soliciting that type of information is probably improper in every instance. However, this is a public project, public site, it is tax payer owned, operated and conducted and there is a volunteering of information to you that opened the door, it is not improper. Going into the details, this much per year and this much per decade and this much return and probably getting into the business plan is inappropriate. There is compensation being provided, there is a component of end utilization. Those are fair questions, you need to know how long it is going to last, will it last a period of time and be removed. Is there an expansion possibility, changes, etc. Negotiating a deal is one thing, being on the inside of all that, on the other hand trying to understand the totality of the application/proposal made to you minus getting into a minutia of dollars and cents. This is not crossing the line, in my opinion nothing crossed the line, particularly how forthcoming Mr. Breeden was. Jerry Wilkening stated the question brought up to him was, who asked about the money to the representative. Greg Parker stated no one did. Jerry Wilkening stated nobody asked until he clearly volunteered that information. John Foreman stated the Telamon Company is doing things with other schools around the state, but those schools are getting to use the electricity. We are doing it for educational purposes only and not getting to use the electricity to reduce the bills that the school has. David Austgen stated it is part of a bigger grant program that apparently the utility company is involved with. A lot of the discussion was geared to how is this happening here. Where else are you doing this, answers were provided. It is not unfair for you to ask about this, it is an unusual use. Is it harmful, is it going to be protected, any danger issues. Things we don’t know because it is new. Jerry Wilkening stated Lowell is doing this the opposite of Hanover. Hanover is leasing the property to these people, where Lowell is acquiring everything and using the power or putting it into the grid. Tim Kubiak stated that Lowell put in a solar array at the middle school from a different company, for educational purposes and energy at the school. Jerry Wilkening is concerned with the overall height and the school’s legacy plan.

A motion was made by Chuck Becker and seconded by John Foreman to defer this matter.

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|--------------|--------------|--------------|----------------|--------------|-----------------|-------------|------|
| Diane Cusack | Chuck Becker | John Kieपुरa | Richard Sharpe | John Foreman | Jerry Wilkening | Greg Parker | Vote |
| Yes          | Yes          | Absent       | Yes            | Yes          | Yes             | Yes         | 6-0  |

**Update Item:**

- 1. **Zoning & Lighting Ordinance – Update**-David Austgen stated there is no update, and is waiting for information from staff. Will report when has directions.
- 2. **Monastery Woods South – Performance Letter of Credit – Expires 10/29/16**-Don Oliphant stated they have been notified of the expiration date. They are aware of it and we need to schedule a meeting to go out and check everything. John Foreman asked who owns the land to the north of where there are roads and houses. Accent owns it.

Tim Kubiak stated there has been some discussion with NIPSCO in the last couple months, they have decided they want to put gas, electric, primary lines, transformers, and gas mains in the front right of ways of subdivisions. They are no longer willing to put them in the back. Have met with them, they said they are moving towards putting them in the front yards, want to figure out a way to get them in the front yard. All the communities have ordinances that say the utilities should be in the rear yard. Asking that as new subdivisions are approved we ask for an additional fifteen (15) ft. of utility easements parallel to roadways. Willing to come up with a plan to install on the opposite side of the road as the water main.

Moving this way for public safety and accessibility. Discussion ensued on easements. They are going to try to do this even if we don’t change our ordinance. They do make a low profile transformer. Discussion on jurisdiction ensued.

**Public Comment:** None

**Adjournment:** 8:29 p.m.

**Press Session:** Plan Commission Work Session – October 5, 2016 at 7:00pm

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**Chuck Becker**

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**Diane Cusack**

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**John Foreman**

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**Greg Parker**

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**John Kiepura**

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**Richard Sharpe**

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**Jerry Wilkening**

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**Attest: Brooke Faber, Recording Secretary**

*The Town of Cedar Lake is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, please contact the Town Hall at (219) 374-7400.*