



**TOWN OF CEDAR LAKE – PLAN COMMISSION
PUBLIC MEETING MINUTES
OCTOBER 19, 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 – CBEL
Present Chuck Becker	Present David Austgen, Town Attorney
Present 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	

Minutes:

A motion was made by Richard Sharpe and seconded by Chuck Becker to approve the September 7, 2016 Work Session and September 21, 2016 Public Meeting Minutes as presented.

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

Old Business:

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 from September 21, 2016 Public Meeting
Deferred to October 19, 2016 Public Meeting

1. Town Attorney’s Review: None
2. Petitioner’s Comments: Have a couple minor things left, would like to ask for approval and of course building permits not released until done.
3. Remonstrators: None
4. Town Engineer’s Comments: Don Oliphant stated issued a letter on the 17th and a resubmittal this afternoon. Skimmed through the resubmittal before the meeting, a lot of the plan comments are addressed, erosion control is still outstanding. They have addressed the major issues.
5. Building Department Comments: Tim Kubiak as long as they meet the engineering requirements, good with the plan.
6. Commission’s Discussion: None

A motion was made by John Kiepura and seconded by John Foreman to approve the three (3) lot subdivision contingent on Don Oliphant’s approval.

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

A motion was made by John Foreman and seconded by Jerry Wilkening to approve the site plan with the waivers for the three (3) lot subdivision.

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

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

Owner: Monte Watt, 11411 135th Pl., Cedar Lake, IN 46303
Petitioner: Watt Holdings, LLC, 11411 W. 135th Pl., Cedar Lake, IN 46303
Vicinity: 11255 to 11500 W. 136th 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 from September 21, 2016 Public Meeting
Deferred to October 19, 2016 Public Meeting

1. Town Attorney’s Review: None
2. Petitioner’s Comments: Monte Watt stated not doing anything right now on the plat approval for the subdivision, that has been put on hold. Only issue is the drainage on Lots 5 & 6. Have submitted engineering to Don Oliphant. Have made some changes, changed the pitch going down on the thirty-six (36) inch to a little over 1% to get the velocity down, a different structure than the last plan.
3. Remonstrators: None
4. Town Engineer’s Comments: Don Oliphant stated he received the resubmittal that morning, quickly went through what we got to see if major things had been addressed. Still some small stuff to go over, not a lot. The biggest is how we tie this to the drainage problem. Monte made it very clear in the response that he doesn’t think he is responsible for it, but will leave that up to everybody else. Mr. Watt stated there is a question on the improvements on the street, did not feel responsible for that, the street was dedicated, the bond was issued and released, quite a few years since had anything to do with it. Is the town’s problem. Will work with them to incorporate any changes, basically working with drainage issues on his property.
5. Building Department Comments: Tim Kubiak stated this is essentially a site plan approval for the drainage improvement that Mr. Watt is proposing in between lots 5 & 6. Between Don and Tim the determination of the site plan approval is due to actually creating an extension of an existing outfall for the town’s drainage. The drainage improvement that was installed previously is now a town drainage structure. The proposal is actually extending to the end of the structure and modifying that outfall within the easement. Essentially this is a site plan approval more than a fill permit.
6. Commission’s Discussion: Greg Parker stated the street is a different issue. John Foreman asked about the issues with the street. Don Oliphant stated there are two issues, right now there is a twelve (12) inch that drains that cul-de-sac. A lot of water goes to that one inlet, when it is full, it is rocketing out at the northwest corner of lot 5. It has cut a ten (10) foot deep ditch. Monte has a bunch of thirty-six (36) pipe left over from when they regraded the detention basin when Bethel expanded it. Wants to use that to extend from the twelve (12) inch end all the way, that will enclose the area that is now a giant ravine. The other thing, if you consider them linked or not. There is a lot of drainage going down Muir Street that instead of going to the retention basin, rockets down to the inlet. During large storm events it over tops the curb line and goes right down the driveway and heads down the same corridor. David Austgen stated he heard it was a poor design, is the same engineer that did the poor design doing the current design? Mr. Watt stated no. Tim Kubiak stated all the water from Muir Street should be routed to the detention pond, all this water should not just be captured and put into this structure. The development standards show that water is suppose to leave that property at the rate it left before the project was started. David Austgen stated need to have an analysis by Don Oliphant. Discussion on the flow of water ensued. Tim Kubiak stated just for clarification we have blended this with item number 3 under new business.

A motion was made by John Foreman and seconded by Richard Sharpe to defer Item Number 2 under Old Business and Item Number 3 under New Business to the November 16, 2016 meeting.

Diane Cusack	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
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Yes	Yes	Yes	Yes	Yes	Yes	Yes	7-0
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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 from September 21, 2016 Public Meeting
Deferred to October 19, 2016 Public Meeting

- 1. Town Attorney’s Review: None
- 2. Petitioner’s Comments: David McDaniel, submitted the drawings on Monday from the surveyor. Says delay was due to surveyor. Has easements on both sides of his property.
- 3. Remonstrators: None
- 4. Town Engineer’s Comments: Don Oliphant just received yesterday, had roughly ten (10) comments, land owners, zoning, tax parcel numbers. Some issues with original recorded plat in 2006. Not ready for an approval. David Austgen asked if there is a problem with our instructions to folks, professionals, your peers with our response to protocols, everyone of your recommendations tonight has to expedite future reviews, applicants should include a comment response letter. Everyone that has brought you something in the past few months are people who have done more than two of these. This has to help your review. Don Oliphant stated it makes it a lot easier to get a letter addressing each comment.
- 5. Building Department Comments: Tim Kubiak stated we have the two (2) surveys. Don has prepared his letter and given the letter to his surveyor. Essentially needs to fix preliminary plat with comments. Hopefully approved at next meeting.
- 6. Commission’s Discussion: Discussion on how long it took to get survey done.

A motion was made by Diane Cusack and seconded by Jerry Wilkening to defer this item so Don Oliphant has time to review.

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

4. Telamon/GES – Site Plan

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

Deferred to October 19, 2016 Public Meeting

- 1. Town Attorney’s Review: This is a site plan, no public hearing.
- 2. Petitioner’s Comments: Bruce Breeden, believes have answered all of Mr. Oliphant’s questions, except for number one. Needed a single line drawing from the electrical, have been talking to NIPSCO for a week and this project is number seventeen on their list. It will be approximately the first of December before we get it. It’s their project and therefore, they have to design the interconnection point for their equipment. The BZA asked in last weeks meeting, and there is an easement that will be required from where we create the power to were we connect with NIPSCO and the easement will be NIPSCO’s easement for the fifteen years. The easement is not on the current document.
- 3. Remonstrators: None
- 4. Town Engineer’s Comments: Don Oliphant stated the answers he got from last meeting are fine. Was expecting to see civil and electrical plan that we can review. This is just a planning level site plan at this point. Have not gotten any plans to review.
- 5. Building Department Comments: Tim Kubiak stated he is with Don on this. This is here for a site plan approval and we don’t have a complete plan.

6. Commission’s Discussion: Greg Parker asked why they choose the Hanover Central High School site for this rather than the middle school? Mr. Breeden stated that is a NIPSCO question, they have a blind draw, there were eighty-seven applicants to put the twenty projects in. How long will it take NIPSCO to get what we need to review. Definitely need to know where everything is going to be.

A motion was made by Jerry Wilkening and seconded by John Kiepura to defer this to the December Public Meeting.

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

New Business:

1. Mike & Amie Scharnke – Final 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. 1334d 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 Final Plat/1-Lot Subdivision

1. Petitioner’s Comments: Amie Scharnke stated all plans have been turned in.
2. Town Engineer’s Comments: Don Oliphant stated he has everything he needs. Discussed with building department that we weren’t going to require a bond for the improvements including the sidewalk and drive apron in the public right of way and that would be addressed during the building approvals.
3. Building Department Comments: Tim Kubiak stated all is good.
4. Commission’s Discussion: Discussion on sidewalk ensued.

A motion was made by Jerry Wilkening and seconded by Chuck Becker to approve the 1-Lot Subdivision.

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

2. Kubiak Holdings – Final 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 Final Plat/1-Lot Subdivision

1. Petitioner’s Comments: Tim Kubiak stated gave Don Oliphant the Plat, we made the changes to the final plat, have one item to address.
2. Town Engineer’s Comments: Don Oliphant all good.
3. Building Department Comments: None
4. Commission’s Discussion: John Foreman stated glad to see improvements on that corner.

A motion was made by Chuck Becker and seconded by Jerry Wilkening to approve the 1-Lot Subdivision.

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

3. Muir Woods Drainage Plan – Site Plan Approval

Owner: Monte Watt, 11411 135th Pl., Cedar Lake, IN 46303
 Petitioner: Watt Holdings, LLC, 11411 W. 135th Pl., Cedar Lake, IN 46303
 Vicinity: 13660 Muir Ln. **and** 13650 Muir St., Cedar Lake, IN 46303
 Legal Description: Muir Woods Lot 5 **and** Muir Woods Lot 6

Tax Key Number(s): 45-15-29-278-009.000-01 and 45-15-29-278-010.000-014

Request: Petitioner is requesting Site Plan Approval

- 1. Petitioner’s Comments:
- 2. Remonstrators:
- 3. Town Engineer’s Comments:
- 4. Building Department Comments:
- 5. Commission’s Discussion:
- 6. Commission’s Decision:

Motion:		1 st		2 nd			
Diane Cusack	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote

4. Monastery Woods South – Performance Letter of Credit

Owner: MWD Development LLC, 2300 Ramblewood Drive, Highland, IN
Petitioner: MWD Development LLC, 2300 Ramblewood Drive, Highland, IN
Vicinity: Monastery Woods subdivision south of 129th Avenue

Request: Performance letter of credit in the amount of \$325,432.44 expires on October 29, 2016.

- 1. Town Attorney’s Review:
- 2. Petitioner’s Comments:
- 3. Town Engineer’s Comments: Don Oliphant stated have been working on this for the last month or so knowing the expiration was coming at the end of October. Initially met on site with Walsh & Kelly, Schilling Development and Tim to go over the improvements needed to close this out. Issued a letter end of September, noted some binder repair and curb areas, thought it would be done quicker than it has been. As of today, only the curb has been repoured. Scott Zajac from Schilling Development stated some of the cracks have been sealed. All of the sections that needed to be replaced have been removed and concreted. Some of cracks in the sidewalk have not been done yet. Don Oliphant stated the remaining site improvements to close out the bond would be cutting out the binder areas that have failed. Once replaced they can go over with the final asphalt coat. There is some milling at 129th around the entrance road that needs to be replaced and striped. Two cross walks. The connecting sidewalk at the northeast portion of the subdivision has been installed. Signage is not up. Public Works inspected the storm sewer, and the comments have not been addressed. Have submitted As-Builts, scimmed over look relatively ok. The sanitary sewers passed inspections. The water was installed prior to the town taking over, no testing required for that. Those are the remaining items before we can recommend approval and acceptance. The caveat here is that we have this meeting now and the bond expires the 29th. Walsh & Kelly has made a commitment to finishing before expiration. We asked if they could extend it another month or to the end of the year, which would have taken thirty (30) days to do and would not have made the deadline. They have already submitted a maintenance bond, which is what the maintenance bond will go to once the improvements have been accepted.
- 4. Building Department Comments:
- 5. Commission’s Discussion: John Foreman stated if we were to approve contingent on the engineering comments and it wasn’t done by the 29th, would we have the authority of pulling on the bond? Don Oliphant stated that would be contingent on what you just said. Discussion on what date to use for being able to draw on the bond. David Austgen stated close of business day on October 26, 2016 would be good. Jerry Wilkening asked if the bond is drawn on the following Monday? David Austgen and Greg Parker stated it would be expired and done, legally it cannot be drawn on. Scott Zajac asked if they would need to provide a cashiers check if the date isn’t met. David Austgen stated that would be fine. Discussion on how much the maintenance bond should be. Need to take action, will not accept the improvements, upon the arrival of the close of business on October 26, if the project is completed for acceptance purposes, if they deposit a cashiers check in the amount of \$100,000 you will allow the bond to be released or letter of credit not to be called, if not will have to pull it. Don Oliphant asked if we would need to hold the check until the next meeting. David Austgen stated yes. Don Oliphant stated hopefully everything is done by the November meeting, then we can accept it, release the check if we have it and roll it into a maintenance letter of credit. Tim Kubiak stated if everything is good by October 26, 2016 we are good, we will have their maintenance bond, but we are not going to formally accept the streets and maintenance letter of credit until the next public meeting. David Austgen stated

that if that letter of credit expires by inaction or not being called, is like cash in their bank account. Provided they walk a \$100,000 check in here, we are all protected.

A motion was made by John Foreman and seconded by Richard Sharpe to approve the Monastery Woods South, by close of business on October 26, contingent engineering items being completed and/or a \$100,000 surety if those items are not complete.

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

A motion was made by John Foreman and seconded by Chuck Becker to allow the Town Attorney to draw on the letter of credit in the event those items are not taken care of by close of business on October 26, 2016.

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

Update Item:

- 1. **Zoning & Lighting Ordinance – Update** – Michelle Bakker stated it is completed with definitions, flood plains, need to work with M2 and Industrial. Almost completed.

Tim Kubiak brought up a building permit to rebuild the stage for the Obidaha Taylor at the American Legion for August Steininger. Did not bring in any plans, or survey. They did come forward with a survey, it is another meets and bounds property. They are not constructing the stage on the right of way where the sewer line is. Wanted to ask to waive the requirement of making this a one (1) lot subdivision to allow the improvement on this parcel or if it was a possibility. It is an unbuildable lot, can never be built on. It is a memorial. Greg Parker asked if the footprint of the old stage was still there. Tim Kubiak stated yes, they will be using the concrete. David Austgen asked Don Oliphant if with a waiver of all other technical requirements for creating a lot of record, is this survey enough plat to do it. Don Oliphant stated he would like to see how monuments are turning. Tim Kubiak stated his reasoning is the uniqueness of this parcel and also the reason it is being used for, it is a non for profit type use and a parcel that will not be constructed upon. David Austgen suggested that Don Oliphant give the surveyor a call and see if he could add a couple things. Have a simple public meeting and get a mylar.

Public Comment:

Adjournment: 8:20 p.m.

Press Session: Plan Commission Work Session – November 2, 2016 at 7:00pm

Chuck Becker

John Foreman

John Kiepura

Jerry Wilkening

Attest: Brooke Faber, Recording Secretary

Diane Cusack

Greg Parker

Richard Sharpe

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.