



**TOWN OF CEDAR LAKE – PLAN COMMISSION  
PUBLIC MEETING MINUTES  
April 17, 2019 - 7:00 P.M.**

Call To Order (Time): 7:05 p.m.

Pledge to Flag

Roll Call:

Present Heather Dessauer  
Present Chuck Becker  
Present John Kiepura  
Present John Foreman  
Present Richard Sharpe  
Present Jerry Wilkening

Present Greg Parker  
Absent Donald Oliphant, Town Engineer – CBBEL  
Present David Austgen, Town Attorney  
Present Tim Kubiak, Director of Operations  
Present Michelle Bakker, Building Administrator  
Present Sarah Rutschmann, Recording Secretary

**MINUTES:**

January 16, 2019 Public Meeting, February 6, 2019 Special Public Meeting & Work Session, March 6, 2019 Work Session, April 3, 2019 Work Session

Motion: Richard Sharpe--1<sup>st</sup> Jerry Wilkening --2<sup>nd</sup>

Heather Dessauer	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. BP-Maintenance Letter of Credit**

Owner/Petitioner: Herman Fisher  
Vicinity: 13302 Wicker Ave., Cedar Lake, IN 46303

**Request: Letter of Credit Expires on May 1, 2019**

1. Petitioner's Comments:
2. Town Engineer's Comments:
3. Building Department Comments: Bakker noted a letter dated October 29, 2018 stating they had completed conditions to be met.
4. Commission's Discussion: Town Attorney Austgen noted a motion could be made contingent upon staff and engineering check off on the conditions that have been identified. Kubiak stated they were close on being completed. Austgen asked Parker if they did not and the letter of credit expires. Bakker stated the letter of credit expires May 1, 2019.
5. Commission's Decision: John Foreman made a motion to be drawn on if the engineering items are not completed by the close of business on the 25<sup>th</sup> of April; Chuck Becker seconded.

Motion: John Foreman--1<sup>st</sup> Chuck Becker--2<sup>nd</sup>

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
YES	YES	YES	YES	YES	YES	YES	7-0

## 2. Carland-Preliminary Plat 1-Lot Subdivision

Owner/Petitioner: Zbigniew & Malgotzata Czyzewski, 2071 Kentland Dr., Romeoville, IL 60446  
Vicinity: 13130 Wicker Ave., Cedar Lake, IN 46303  
Legal Description: N.91FT OF E.200FT OF S.1030FT E.1/2 SE SE S.20 T.34 R.9 0.415AC. M/L  
Tax Key Number(s): 45-15-20-479-014.000-014

**Request: Petitioner is requesting a one (1) lot subdivision**

1. Attorney Review:
2. Petitioner's Comments:
3. Town Engineer's Comments:
4. Building Department Comments: Bakker stated she sent her a letter stating that due to the deferral she received, they wish to withdraw the petition and cannot go through with the one lot subdivision.
5. Commission's Discussion:
6. Commission's Decision: Parker stated this item will be removed due to withdrawal.

## 3. Birchwood Farms – Certification

Owner: Hanover Farms, Inc., 8501 Wicker Ave., Ste. A, St. John, IN 46373  
Petitioner: Jeff Yatsko, Olthof Homes, 8051 Wicker Ave., Ste. A, St. John, IN 46373  
Vicinity: 12412 Wicker Avenue, Cedar Lake, IN 46303

**Request: Petitioner is requesting approval of Certification**

1. Attorney Review:
2. Petitioner's Comments:
3. Town Engineer's Comments:
4. Building Department Comments: Bakker clarified this was a request from the town, not Yatsko, stating he did not need to be present. She stated this is just approval letter needing to be signed by the Plan President stating the contingencies Birchwood received so the Certification is trackable.
5. Commission's Discussion: Austgen recommended a motion to authorize execution of the final and completed certification.
6. Recommendation to Town Council: Wilkening made a motion to authorize execution of the final and completed certification; Chuck Becker seconded.

Motion: Jerry Wilkening--1<sup>st</sup> Chuck Becker--2<sup>nd</sup>

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepora	Richard Sharpe	John Foreman	Greg Parker	Vote
YES	YES	YES	YES	YES	YES	YES	7-0

## 4. Beacon Pointe-PUD Amendment

Owner/Petitioner: Beacon Pointe of Cedar Lake LLC, PO Box 677, St. John, IN 46373  
Vicinity: 9505 W. 137<sup>th</sup> Ave  
Legal Description: Part of W1/2 SW1/4 S.27 T.34 R.9 22.37 Ac  
Tax Key Number(s): 45-15-27-351-004.000-014

**Request: Petitioner is requesting PUD Amendment**

1. Attorney Review: Austgen stated he did not have legals to review and that any action taken tonight be contingent upon review verification if legals are in order.
2. Petitioner's Comments: Lawyer Richard Anderson presented on behalf of Beacon Pointe with Jack Slager representing Schilling Development. Anderson reviewed the PUD noting they were reducing the number of units because of removing the 4-unit from 72 units to a total of 38 units. The adjustment to the amended plat will be 34. The streets will remain unchanged.
3. Town Engineer's Comments: Kubiak read comments left by Don Oliphant stating "I was waiting on Jack (Huls) to provide revised engineering to reline utilities with the new lot lines, however with him breaking his leg he is not getting them to me. Any other items would be minor. I would make any approval contingent on us getting those taken care of."
4. Remonstrators: Parker called for remonstrators. None noted. Parker called the Public Hearing closed at 7:19 pm.
5. Building Department Comments: Kubiak asked for clarification regarding the 40% lot coverage. Slager stated they had engineers take the largest unit with all of the extra options (sunrooms, porches, etc.) included and it came to 38.7, so they rounded up to 40% to make them all consistent across the board.
6. Commission's Discussion: Austgen recommended that contingencies include verification of public hearing notices, engineering comments be fulfilled, and the amended PUD contract be checked off on before the ordinance goes to the Council. Foreman stated this particular subdivision has made changes to make it more attractive and thanked them for working with the Building Department.
7. Recommendation to Town Council: John Foreman made a motion for Favorable Recommendation contingent upon a) engineering; b) verifying that public hearing notices are in order; and c) the amended PUD contract is signed off on and reviewed by our staff prior to execution; John Kiepura seconded.

Motion: John Foreman--1<sup>st</sup> John Kiepura--2<sup>nd</sup>

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
YES	YES	YES	YES	YES	YES	YES	7-0

## 5. Beacon Pointe West - Rezone

Owner/Petitioner: Beacon Pointe of Cedar Lake LLC, PO Box 677, St. John, IN 46373  
 Vicinity: 13800 Parrish Avenue  
 Legal Description: SW NE S.28 T.34 R.9 40AC. SUBJ. TO EASEMENT **and** N2 NW SE S.28 T.34 R.9 20AC. SUBJ. TO EASEMENT  
 Tax Key Number(s): 45-15-28-251-001.000-014 **and** 45-15-28-401-001.000-013 **and** 45-15-28-426-009.000-013 **and** 45-15-28-426-006.000-013

**Request: Petitioner is requesting a Rezone from Agriculture to RT, R2 and B1**

1. Attorney Review: Austgen stated he did not have legals to review and that any action taken tonight be conditional minimally upon public hearing notice verification.
2. Petitioner's Comments: Jack Slager, on behalf of Schilling Development, was presenting tonight to request rezone on a parcel of land titled Beacon Pointe West. A portion of this land was annexed last year, stated several changes have been made to the design and planning of the subdivision and keeping the barn for business, and requesting the rezone from Agriculture to RT, R2 and B1.

3. Town Engineer's Comments: Kubiak read comments left by Don Oliphant stating it was a zone change and he did not have comment.
4. Remonstrators:
  - a. Rich Teal – 13513 Industrial Drive, on behalf of Industrial Drive Properties which owns the 4 acre parcel west of the property and also Midwest PGM Recycling, which is a tenant there – asked the council to take consideration as the houses are against the industrial park and when the developers, builders, and realtors are finished and gone, they will be the ones left to hear the complaints from the residents about the noise and industrial against their homes. Teal indicated that industrial against residential should be 150 feet away and he has 40 feet from his property line to the residential backyards. Wilkening asked if there was a screening plan. Teal indicated he currently has screening; Austgen noted that since Schilling was developing next to Teal, they should be providing the screening. Austgen indicated whomever was there first, the other person would be required to provide the screening. Teal asked if he was there first then why does he have to provide the fence and trees indicating only that he agreed to it because it was recommended by the Town Engineer Oliphant to put up a screen. Foreman stated it was his understanding that Teal volunteered to plant the arborvitae trees to block the view of the piles of recycling that could be viewed over the fence. Teal requested mutual participation to foot the bill from Schilling. Slager stated the property Teal represented was 6-8 foot higher than the residential area in question and that because of the height, he did not believe the berm was an option and they would probably look more at a solid screen fence. Austgen recommended berm for screening. Teal also inquired about drainage from the homes indicating his discharge location coming off his retention area. Slager indicated they were aware of drainage issues and it would be addressed at the plat approval; Austgen indicated it needed to be part of the zoning ordinance item and needed to be addressed now. Slager stated they would agree to some type of screening. Foreman indicated he did not like the idea of a fence on top of a fence where weeds, mosquitos, and garbage would accumulate and would rather see one fence. Kubiak stated petitioners were there tonight for the zoning and they would still need to address the engineering of the site, deal with Rich's water, develop their plan, and the screening.
  - b. Stephen Styx – 13526 Drummond St – stated they had seen nothing about this plan other than the certified letter about tonight. Wilkening stated he had been approached by someone who said they had not been informed. Drawings were shared with others in the audience.
  - c. Jodi & Jacob Zellon – 9716 Eagle Crest Court – Jodi stated they were not informed until this letter and she has concerns about houses they are up against the farm field and easement. She asked if the easements would stay or if the yards would be touching. Foreman showed Lot 51 (her lot) on the map and noted the yards would touch. Jacob and Jodi asked if the commission would consider keeping the easement. Slager and Wilkening talked about the 10-15 drainage easement and the plan to save as many trees as they could.
  - d. Stephen Styx – 13526 Drummond St – Asked if current drainage that runs along Drummond St between the residential homes and the farm fields; Slager stated absolutely.
  - e. Mandy Gilson – 10004 Richmond – stated she was not made aware of any of this until receiving the letters. She has not seen the plats and would like to know how this will affect her property. She states her yard backs up to the farm field. Kubiak indicated this was the first step in Schilling notifying all of the members affected.

Foreman stated NWI Times has not been at the last few meetings, meetings are held twice a month, and most times the chairs are empty. Bakker made copies of the plan and handed them out to residents who wanted copies. Slager noted the letter sent to residents was

dictated by the Town and while it is vague, does invite the public to come to the Building Department and view the plans during the day.

- f. Alima Casillas – 9630 Eagle Crest – asked if the trees would be left, as it makes a nice barrier/divider and what was the duration of the project. Slager stated the first phase, possibly later this year would include the north end/Parrish and work the west. The area containing Centennial, that is in question, would not begin until next year/2020. Dessauer asked how many phases would be included; Slager indicated 4-5 over 4-5 years.

Dessauer asked Parker if there were ways that more information could be shared with individuals on how they can get the information they need and when the meetings are. Kubiak stated after the Rezone is completed, the developer will have not notify everyone when they plan to go to Plan Commission for the Preliminary Plat. Foreman and Murr indicated having Plan Commission agendas and minutes available on the website.

- g. Stephen Styx – 13526 Drummond St – Indicated it was nice to know that information is available during the day, but he and a lot of others work during the day. He requested if information could be made electronically online or in the newsletters with updates. Foreman stated the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month were the Plan Commission meetings and open to the public. Murr stated many staff members are at meetings after hours and can arrange to meet with individuals after normal business hours or email documents to residents.

Parker called the Public Hearing closed at 7:51 pm.

5. Building Department Comments: Kubiak indicated he would like to see deeper lots along the industrial park to prevent future problems if it is possible in the layout. Slager confirmed to Kiepora that the development would not be a PUD. Kiepora asked if the standard lot size would apply. Slager indicated they would be requesting a variance on width, as some would be 70 foot lots and some were 80 foot lots. Several conversations occurred regarding the setbacks, lot size, lot coverage, and creative screening measures moving forward.
6. Commission's Discussion: Multiple discussions continued regarding the screening, expiration dates to be included during approval and planning/zoning timeframe in relation to the census, and sewer tap concerns.
7. Recommendation to Town Council: John Foreman made a motion for Favorable Recommendation for Beacon West Rezone to RT, R2 and B1 with stipulations attached to the zone change to include screening along the industrial park/recycling center as well as the zoning would reverted back to the present zoning if action was not taken within 5 years, i.e. infrastructure improvements through the final plat; and verification of the legal notices in order; Jerry Wilkening seconded.

Motion: John Foreman--1<sup>st</sup> Jerry Wilkening--2<sup>nd</sup>

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepora	Richard Sharpe	John Foreman	Greg Parker	Vote
YES	YES	YES	YES	YES	YES	YES	7-0

## 6. Oakwood – Rezone

Owner/Petitioner: Cedar Lake Residential LLC, PO Box 677, St. John, IN 46373  
 Vicinity: 10918 W. 129<sup>th</sup> Avenue  
 Legal Description: Pt of NW.1/4 S.21 T.34 R.9 Ly'ng W. of RR & E of Highway 41.9Ac  
 Tax Key Number(s): 45-15-27-151-025.000-014

**Request:** Petitioner is requesting a Rezone to Planned Unit Development (PUD)

1. Attorney Review: Austgen indicated proof of publications and public notice was in order.
2. Petitioner's Comments: Jack Slager, with Schilling Development representing Cedar Lake Residential LLC, was presenting tonight to request rezone to PUD for Oakwood after recommendation from discussions that took place at previous Plan meetings due to the makeup and uniqueness of the property. The plan has not changed in single family and paired villa lots that are maintenance free community living. The heavily wooded lots in the back will contain a little bigger lot with walk out units and are not in the maintenance free section. The community would contain a master HOA and then have a sub-HOA for maintenance.
3. Town Engineer's Comments: Kubiak read comments left by Don Oliphant stating "We don't have anything new on this one. Jack made it sound like it will likely be deferred. I was waiting to get PUD documents and development agreement to review, but have not received anything yet."
4. Remonstrators:
  - a. Steven Goff – 10910 W 129<sup>th</sup> Ave – is concerned about how many lots, especially the ones by the railroad tracks and his home. He stated he knows that residential to residential does not require a fence, but would they consider this against his property. Goff indicated that he is the property on the far west of the three lots, has lived there many years and asked if the tree line on the west line of his property would stay. Slager indicated their preference would be to keep any trees they can and they would not be opposed to a fence. Goff expressed concerns about needing increases in fire and police department. Goff expressed his biggest concern with the easement and deceleration lane at the front of his home as his driveway pulls out onto the deceleration lane. Multiple conversations occurred regarding the road right of way, the county use of the road and Goff owning and paying taxes on that area. Austgen recommended that Goff contact the county auditor for correction of the wording entry for taxes to except out the right of way from the roadway. Drainage concerns were discussed; Slager stated this would be addressed during the engineering phase. Slager stated they would like to propose is to eliminate the sidewalk on the east side of the entrance and using trees or landscaping as an additional buffer between the entrance and his property.
  - b. Burt Meier – 10820 W 129<sup>th</sup> Ave – noted he is the property on the far east side and indicated he has had realtors tell him his property value is going down because of the type of homes going in beside and behind him. Meier asked for an explanation on what the white line is that is 10 feet from his garage. Kiepora and Wilkening explained to Meier that it was an emergency exit for police and fire department if the main entrance was blocked or could not be accessed. Slager stated it would also be a drive lane for the two homes on the east side of Meier's home. Meier asked Slager if there would be an option for him to purchase the two lots from the developer to avoid the homes being built there; Slager indicated he would provide Meier with contact information. Meier indicated concerns for police, fire and ambulance staffing. Meier has children and stated he has concerns for the school being at capacity already. He spoke about different types of wildlife being lost due to all of the building. Meier asked if there could be a retention pond or fence across the back of their property.
  - c. Steven Goff – 10910 W 129<sup>th</sup> Ave – stated the property behind Nevers house had water in it every year. He indicated people have ice skated on it for years and holds 2 foot of water as it is part of the drainage area. Parker stated the Town engineer will have to examine that.
  - d. Greg Nevers – 10904 W 129<sup>th</sup> Ave – noted he is the middle lot property. He stated he just received the letter last week and feels he has not had notification of the plans. Wilkening clarified the plans at previous meetings were just conceptual ideas. Nevers indicated he had been a police officer for 23 years and with the addition of the subdivisions with the golf course, he is seen speed and increased amount of traffic

especially at the bottom of the hill and is concerned about more traffic. Nevers addressed the train tracks and the vibration it creates and horn, stating he had to reinforce his cabinets from the vibration. His appeal to the area was the natural wildlife area and rural and does not like how quickly the houses are popping up on top of each other. He has concerns about how the wastewater capacity will be. He indicated 129<sup>th</sup> street was not made to handle this type of heavy truck traffic and is already caving in. Foreman stated the entrance would be similar to that of Havenwood, where they could possibly add flashing indicators but is not ideal.

- e. Richard Zarr – 10905 W. 129<sup>th</sup> Ave – indicated he lives across the street and has had multiple problems with water for years stating they have had to redo their basement. He is concerned about the traffic increase. Zarr stated he is retired from the Parks and Recreation industry and does not see much Parks and Rec activities available and should be considered moving forward.
- f. Burt Meier – 10820 W 129<sup>th</sup> Ave – stated he has driven around some of the subdivisions and respects the Schilling development, but as a resident of the Town, he feels “enough is enough” and feels every subdivision does not need to be granted.
- g. Debbie Howe – 13800 W 135<sup>th</sup> Ave – states she owns the property at 12525 Wicker Ave on 41. She thought there would be access near Corky’s on 125<sup>th</sup> Ave. Slager indicated they had looked into acquiring the two parcels but were told they are not available. He said they do not own the land. Howe asked if they had access to 41. Slager indicated the substantial creek that ran north/south that divided the residential and commercial. Part of the appeal of the layout was to have the buffer of trees and they were not wanting to cross the creek or remove the trees. Howe asked what the green area was that was indicated on the drawing that was adjacent to her property. Slager explained it was trees and would not be touched. She addressed concerns about flooding and locations of retention ponds. Slager stated there would be 3 retention ponds (1 in north, 1 in middle, 1 in south) and they would all exit out into the creek.
- h. Burt Meier – 10820 W 129<sup>th</sup> Ave – asked if there had been any consideration about better quality homes to help with property values. Wilkening asked Slager what the cost of the homes were. Slager stated these homes would be comparable to what was in Beacon Pointe: Duplexes start at \$250,000 per side at 1800 square feet; Cottage Homes at \$280,000-300,000.

Slager wanted to address some of the earlier concerns noting the Schillings have owned this property for 40 years and they have made an attempt at what is the best possible development for this property. He noted that over the years, they have bought some property from some of the people who were present. Some of the residents knew for years this property was going to be developed at some point and he indicated it was planned to be developed in 2008 but due to the issues with the economy, it was halted. He stated this development is better than what was proposed in 2008. They are trying to leave some natural space and maintenance free type homes. Generally, there are fewer children and an older population that is the market for this type of development. Slager indicated he is not opposed to a fence being available across the back of the 3 property lines.

- i. Greg Nevers – 10904 W 129<sup>th</sup> Ave – stated “loud and ugly” as indicated in earlier discussion is what the Town will end up having. He reiterated people move here for the rural appeal and that environment is disappearing. Parker indicated that he grew up here and considered this home, but is also considering leaving. Nevers, who stated he works in a high-crime area of Illinois, spoke about an issue with car burglaries in the past where 60 cars were broken into and no police reports were made. He states the infrastructure, school, and public safety individuals are not ready for this type of problem and has installed cameras around his home and wants to know what the plan will be. Foreman

noted similarities in other locations, stating serious planning needed to take place in order for developing communities to do well, and making changes. Kiepura noted the Police Commission and encouraged Nevers to join.

Foreman encouraged others to get involved, attend meetings or join boards, and get involved. Wilkening encouraged the members present to look over the covenants as far as the restrictions.

- j. Burt Meier – 10820 W 129<sup>th</sup> Ave – asked how they go about curtailing building. Parker stated Plan Commission is in a curtailing mode now because of sewer capacity, and water supply, school capacity. Parker told Meier that the Commission is needing to take a step back and review. Dessauer thanked everyone who came out. She stated there are multiple meetings held in the Town Hall weekly and often no participation from residents. She stated one way to “curtail” is to be present and voice their concerns so the board members have a better idea of what the public wants. She stated the meetings are published and open to the public. She encouraged the public to pick a meeting, attend, and speak up.
- k. Brenda Roberts – 15008 Morse St – stated she took away funds for Cedar Lake by selling to the Lake County Parks system, noting she was their “hero.” She has an eagle’s nest, discovered nocturnal flying squirrels, raccoons, opossums, muskrats, and fish all in her backyard running free and happy. She clarified she did not donate this; she raised funds for it.

Parker called for final remonstrators and closed the Public Hearing at 9:16.

- 5. Building Department Comments: Kubiak feels that after hearing remonstrators, they should revisit the emergency entrance/exit and negotiate selling the area with the two little homes by the neighbor (Meier) and eliminate the road. Kubiak also inquired if the front entrance could be made wider and nicer looking and fencing along the tracks.
- 6. Commission’s Discussion: Kiepura stated he has heard a lot of negative comments tonight and very few positive. He hates the idea of the emergency road. Kiepura feels Slager should return to Schillings and come up with a better plan. Wilkening stated the idea for 2<sup>nd</sup> entrance road was for emergencies. Since there is a double lane entrance, he felt there would be plenty of access. Kubiak stated a split double entrance has not ever been considered two entrances. Kubiak noted that if they expanded the entrance, it could work. Kiepura does not like the set up at Havenwood and stated his dislike for the split entrances and would vote against it every time. Parker did not like the idea either. Slager said they go above and beyond with the track record they’ve had with residential developments. Slager stated he heard the concerns about the influx of people from Illinois, but stated that 25-30% of the sales they have seen have been from Cedar Lake residents wanting to move to a maintenance free residence. Dessauer asked about safety concerns addressed tonight. Slager stated that he would like to work with the town about a turn lane on 41. Foreman indicated the safety lights like at Havenwood; Slager was in agreement to the safety lighting. Foreman suggested a deceleration lane on the south side by 129<sup>th</sup> for emergency lane.
- 7. Recommendation to Town Council: Jerry Wilkening made a motion to defer this item until more information is available; Chuck Becker seconded.

Motion: Jerry Wilkening--1<sup>st</sup> Chuck Becker--2<sup>nd</sup>

Heather Dessauer	Chuck Becker	Jerry Wilkening	John Kiepura	Richard Sharpe	John Foreman	Greg Parker	Vote
YES	YES	YES	YES	YES	YES	YES	7-0

Parker asked Neil Simstad of Nies Engineering who was present to come forward to address questions any of the Plan Commission members had. Parker stated Lifehouse Developers were present at the last Plan meeting and



correspondence indicated plenty of system capacity. Parker asked Simstad to clarify figures. Simstad stated Cedar Lake owned 50% of the treatment plant capacity. Parker asked Simstad of that 50%, how much capacity was the Town at. Simstad stated that they were working on a figure at the Utility Board and should have a better answer after the 4.30.19 meeting, but at this time not quite 80% capacity. Parker asked Simstad if that included everything approved for development. Foreman stated he used a total of 6500 homes and based on that figure, the Town would need to expand the plant in the next 5-7 years. Simstad stated once the figure hits 90%, a moratorium would be imposed, no sewer taps can be issued and additional capacity plan would need to be made. Multiple conversations occurred about how there is time to get a plan in place, the homes approved for development have not been build and put in yet, and repairs can be made. Simstad recommended as development happens that it triggers a new clarifier, such as a UV disinfection capacity, what it can handle during dry weather or peak max day flow. Kiepora stated it is difficult to plan when there is uncertainty with where the drinking water and sanitation goes. Kiepora asked what kind of numbers can be provided to the board to help with the decision making. Wilkening addressed the Lifehouse concept plan and the wording that there was sewer capacity for that neighborhood; however the total was not clear. Simstad clarified that capacity is not just the plant or one sewer; it includes the collection system, lift station and force main, system for equalization base, interceptor that goes to Lowell, and the waste water plant capacity. Simstad clarified to Becker that 310 was what IDEM requires for dry weather. Becker asked what could be approved for development. Parker stated a long term plan needs to be in place. Simstad indicated if someone could provide him with how many units, when, and where, he could determine the capacity figures better. Simstad stated the Town is in better shape than it was 6 months ago due to maintenance improvements. Foreman asked Simstad about the status of Robin's Nest expansion into the water tower. Simstad indicated there has been a water tower designed and permitted to go on the east side and a production facility that is highly compatible with the water from the Robin's Nest system. The Town is in the process of trying to acquire this. Austgen stated the Utility Board and Town Council would need to decide where the funding mechanism. Wilkening asked for a location; Simstad stated it was east of Krystal Oaks. Simstad stated the production facility is south of Town Hall and there are 2 high-capacity 300,000 gallon water tanks on the west side that should be good for 8-10 years. Parker asked Simstad what he needed to finish the east side expansion of the water utility. Simstad said he needed direction, production, and \$2.5 million of infrastructure funding.

#### **Update Item:**

1. **139<sup>th</sup> Place/Morse Street:** Kubiak stated the deeds have not been signed. Austgen indicated the town has been responsible and maintained the road and sewer and maybe they should not be legally, mentioning constructive easement. Wilkening suggested a commitment before it begins on cases like this again to establish a protocol. Multiple discussions occurred and the decision that a letter indicating execution and delivery of deeds, to confirm such, and until such occurs, there will be no maintenance of this road. Kubiak stated the woman involved has been cooperative, but the other party has not.
2. **Hanover High School Lighting:** Kubiak stated the shields have not been installed.
3. **Lifehouse Homes-Concept Plan: deferred to 05/01/19**
4. **Lennar Homes-Preliminary Plat: deferred to 05/15/19**
5. **Summer Winds Commercial LLC-Final Plat: deferred to 05/15/19**
6. **Summer Winds Subdivision-Lighting:** No one present from developer to speak about this. Kubiak stated the builder asked to be put on the agenda because they were asking to change the light pole bases to a direct bearing. Multiple discussions occurred regarding the poles and standardizing the pole to one style. Members decided no bearing poles, they were to go with the original plan and this could be removed from the agenda.
7. **Comprehensive Master Plan:** Murr stated she is putting together a list of proposals for review.

**Public Comment:** Kubiak asked if there was a way the Public Way Vacation Requests could be presented to the Plan Commission before being set before the Town Council. This would allow for better planning and then recommendation to the Town Council. Austgen indicated that according to Indiana Statute the answer would be no

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Public Meeting Minutes

and expressed his concern for taking the petitioner outside of the prescribed statutory path and adverse situation where the Town could be exposed to a challenge.

Burt Meier – 10820 W 129<sup>th</sup> Ave – asked about clarification in regards to the 8-10 year projection Simstad spoke of if development continued. Simstad stated the 8-10 years would drop if development increased at an accelerated rate.

**Adjournment:** Meeting was adjourned at 10:09 p.m.

**Press Session:**

**Next Meetings:** Plan Commission Work Session – May 1, 2019 at 7:00 p.m.  
Plan Commission Public Meeting – May 15, 2019 at 7:00 p.m.

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**Chuck Becker**

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**Heather Dessauer**

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**John Foreman**

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**Greg Parker**

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**John Kiepora**

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**Richard Sharpe**

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**Jerry Wilkening**

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**Attest: Sarah Rutschmann, 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.*