



TOWN OF CEDAR LAKE – PLAN COMMISSION
PUBLIC MINUTES
August 19, 2020 - 7:00 P.M.

Call to Order (Time): 7:08 p.m.

Wilkening read the following information off of the agenda, “In accordance with the Governor’s Executive order relating to COVID-19, we have arranged a live stream of tonight’s meeting at <https://cedarlakein.org/view-town-meetings/>. You must join the meeting through the link to participate during public comment. If you have a question or comment about an item on the agenda, please email michelle.bakker@cedarlakein.org by 5 pm. Ms. Bakker will ensure that all submissions are shared with the board members and that the submission will also be entered into the minutes of the meeting. Please keep your comments civil and constructive to the policy issues on the agenda.”

Pledge to Flag

Roll Call:

Present Heather Dessauer*

Present Chuck Becker

Present John Kiepura, Vice President

Present John Foreman*

Present Richard Sharpe

Present Jerry Wilkening, President

Present Robert Carnahan*

Present 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

**Indicates member present electronically*

MINUTES:

Motion by John Kiepura and seconded by Chuck Becker to approve the July 15, 2020 Work Session and August 5, 2020 Public Meeting minutes.

Motion: John Kiepura --1st Chuck Becker --2nd

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

OLD BUSINESS:

1. Centennial Phase 15 – Final Plat

Owner/Petitioner: North Centennial Development LLC, 8051 Wicker Avenue, Suite A, St. John, IN 46373
Vicinity: Approx. 1000 Richmond Avenue
Legal Description: NW.1/4 SE.1/4 S.28 T.34 R.9 S.28 T.34 R.9 2.197 Ac and Pt. SW.1/4 SE.1/4 S.28 T.34 R.9 2.69Ac
Tax Key Number(s): 45-15-28-451-002.000-014 and 45-15-28-459-001.000-014

Request: Petitioner is requesting Final Plat for 20 Lots in Phase 15 of Centennial

1. Petitioner's Comments: Jeff Yatsko of Olthof Homes was present tonight on behalf of Centennial. Yatsko stated he was present tonight to request the Final Plat for 20 lots in Phase 15, which would be the last single-family section of Centennial and would complete Centennial. He stated roads and utilities were in.
2. Town Engineer's Comments: Oliphant stated the plat was in order. The subsequent values for the Final Plat approval are: Performance Letter of Credit, noting a majority of the infrastructure is in and a 25% maximum reduction, in the amount of \$82,029.20, 3% Inspection Fee based off estimated cost of instruction \$9,843.50 and MS4 Inspection Fee \$2,000.00. He noted a contingency of removal of the stockpile in Phase 12 prior to the building of the last 5 lots of the subdivision, stating it is a policy decision that had been instituted in the last few years. Yatsko explained they use the stock for respreads at the end before the lawn is put in and expressed his concern for hauling it offsite then bringing it back. He asked for consideration of it being linked to the Performance Letter of Credit so that they will not convert the Performance Letter of Credit to Maintenance Letter of Credit before the stock pile is gone. That would allow them to use all of the dirt for the 20 lots and haul off remaining unneeded dirt. Kubiak indicated as long as they were working through the pile and used $\frac{3}{4}$ with 15 houses and did not want to be the Town being stuck responsible for removal and cost. Austgen stated if the Performance would include the cost of removal and it needs to be pulled because it was not removed, the Town does not want to be in that business. Oliphant stated he was comfortable with the difference between the remaining improvement number and the remaining gap, which should be enough necessary. Austgen suggested an additional sentence noting the requirement of the surety what it is for so that the Town is covered. Oliphant confirmed for Wilkening that he would provide the additional wording.
3. Building Department Comments: See Kubiak's comments above and below. Kubiak stated Olthof has done what they said they would do, but wanted to put the stockpile on the Town and engineering's radar to keep it from being overlooked. Kubiak indicated they can issue a cease building or hold permits as a consequence.
4. Commission's Discussion: Yatsko confirmed for Kiepura the cost to remove the stockpile would be approximately \$40,000-50,000 to remove. Kiepura suggested a separate Letter of Credit for just the stockpile. Kubiak suggested rewording the condition that at the time of 15 houses that $\frac{3}{4}$ of the pile be gone or permits would be held. Oliphant confirmed for Wilkening the dirt is on an outlot that will never be built on. Oliphant confirmed for Kiepura the HOA owns the outlot. Oliphant clarified for Becker that the occupancy permit being held suggestion should not be the homeowner's responsibility. Yatsko clarified for Kiepura that approximately 100 truckloads of dirt are left for the last 5 lots and 20-25 truck loads are used per lot. Austgen replied to Wilkening in regards to transfer meaning inclusion of the amount estimated to remove the pile if they do not do it. Wilkening noted the contingency would need to include amending the Letter of Credit and Oliphant indicated that amendment would include holding the Letter of Credit in Performance until stockpile is removed. Austgen requested there be a timeline attached as one year, then the petitioner could always return to request and extension. Carnahan read Oliphant's letter indicating the Plat is in accordance with the Town of Cedar Lake Subdivision Ordinance and it be recommended it be approved.
5. Commission's Decision: Richard Sharpe made the motion, seconded by Chuck Becker, for Final Plat approval contingent upon the Letter of Credit from Christopher Burke Engineering and contingencies within that Letter of Credit and signatures on the Mylars be withheld pending the Letter of Credit and all check offs.

Motion: Richard Sharpe --1st Chuck Becker --2nd

Heather Dessauer	Chuck Becker	John Foreman	Robert Carnahan	Richard Sharpe	John Kiepura	Jerry Wilkening	Vote
YES	YES	YES	YES	YES	NO	YES	6-1

NEW BUSINESS:

1. Lakeside-Preliminary Plat Extension

Owner/Petitioner: Cedar Lake 133, LLC, 8900 Wicker Ave., St. John, IN 46373
Vicinity: 5711 W. 133rd Ave, Cedar Lake, IN 46303
Tax Key Number(s): 45-15-25-100-001.000-043

Request: Petitioner is requesting Preliminary Plat Extension-Expires 9-18-20

1. Petitioner's Comments: Michael Tiller with Schilling Development was present tonight on behalf of Lakeside. He stated he was present tonight to request a 1-year extension Preliminary Plat Extension due to sanitary water issues being worked through.
2. Town Engineer's Comments: None noted.
3. Building Department Comments: None noted.
4. Commission's Discussion: None noted.
5. Commission's Decision: Robert Carnahan made the motion, seconded by John Kiepura, to grant the petitioner's request for Preliminary Plat Extension from 9/18/20 to 9/18/21.

Motion: Robert Carnahan --1st John Kiepura --2nd

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

2. Papiese – 1-Lot Subdivision

Owner/Petitioner: Richard & Karen Papiese, 9710 Genevieve Dr., St. John, IN 46373
Vicinity: 8029 Lake Shore Drive, Cedar Lake, IN 46303
Legal Description: PT. E2. NE. S.22 T.34 R.9 .58 A
Tax Key Number(s): 45-15-22-288-004.000-014

Request: Petitioner is requesting a Final Plat for a 1-Lot Subdivision

1. Petitioner's Comments: Karen Papiese was present tonight.
2. Town Engineer's Comments: Oliphant indicated a similar condition of approval to Austgen's noted below to get the recordation number on the Plat when the Plat is recorded.
3. Building Department Comments: Bakker confirmed for Papiese the easement needed to be recorded to obtain the Final Plat. Austgen confirmed a drive assess agreement was drafted and recommended Stuart Allen review so that it could be finalized, executed, recorded and appended so that the current owners, their invitees and their successors are able to get onto the property without any legal impediments and recommended the motion include this contingency.
4. Commission's Discussion: None noted.

5. Commission's Decision: John Kiepura made the motion, seconded by Richard Sharpe, to grant the petitioner's request for a Final Plat for a 1-Lot subdivision contingent upon the Drive Access Agreement being executed and review by engineer of any necessary items.

Motion: John Kiepura --1st Richard Sharpe --2nd

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

3. Gawne-Preliminary Plat One-lot Subdivision

Owner/Petitioner: Kurt Gawne, 14627 Morse St., Cedar Lake, IN 46303
 Vicinity: 14627 Morse St., Cedar Lake, IN 46303
 Legal Description: NW. COR. PT. NW. SE. 208.75X208.75FT. S.35 T.34 R.9 1AC.
 Tax Key Number(s): 45-15-35-415-001.000-043

Request: Petitioner is requesting Preliminary Plat for a 1-lot Subdivision

1. Attorney Review: Austgen indicated legals are in order.
2. Petitioner's Comments: Kurt Gawne was present tonight, stated he would like to place a pole barn on the property and needs to make it a legal lot of record.
3. Town Engineer's Comments: Oliphant stated they only received a Final Plat from Torrenge. He indicated one item for discussion was frontage improvements and sidewalk placement, noting that typically on 1-lot subdivisions, they waive the requirement, however this location is on a heavily-used corridor. Oliphant indicated \$3,131.25 fee in lieu of sidewalk for 209 feet of sidewalk.
4. Remonstrators: Wilkening called for remonstrators at 8:01 pm; none noted.
5. Building Department Comments: Kubiak mentioned location elevation of sidewalk concern.
6. Commission's Discussion: Multiple discussions took place regarding sidewalk placement, easement, previous location examples for sidewalk waivers, in lieu of/escrow and discussion of waivers. Bakker confirmed for Kiepura sidewalk installation and/or a waiver for that installation typically occurs when the petitioner installs the new home. Kiepura and Sharpe agreed with Foreman that since there is no house, it is felt that no money should have to be put down for sidewalk. Kiepura stated the petitioner was wanting to put up an accessory building and needs to make it a 1-lot subdivision so he can put the building up, and felt the sidewalk requirement should be waived. Oliphant suggested contingency with motion for review from Stuart Allen; Bakker added motion to include the requirements of 30-day hold recordation on Mylars. Oliphant suggested waivers to include A, B, C in the August 14, 2020 letter and sidewalk and contingent upon engineering comments adequately addressed by the surveyor.
7. Commission's Decision: Three separate motions and voting occurred, see below.

#1: John Kiepura made the motion, seconded by Richard Sharpe, to grant the waivers per the letter of Oliphant dated August 14, 2020, including items A-D, and inclusion of the sidewalk waiver.

Motion: John Kiepura --1st Richard Sharpe --2nd

Heather Dessauer	Chuck Becker	John Foreman	Robert Carnahan	Richard Sharpe	John Kiepura	Jerry Wilkening	Vote
YES	YES	YES	NO	YES	YES	YES	6-1

#2: John Kiepura made the motion, seconded by Chuck Becker, to grant the Preliminary Plat for 1-lot subdivision contingent upon engineering comments.

Motion: John Kiepura --1st Chuck Becker --2nd

Heather Dessauer	Chuck Becker	John Foreman	Robert Carnahan	Richard Sharpe	John Kiepura	Jerry Wilkening	Vote
YES	YES	YES	NO	YES	YES	YES	6-1

#3: Chuck Becker made the motion, seconded by John Kiepura, to grant the Final Plat contingent on the 30-day signature hold.

Motion: Chuck Becker --1st John Kiepura --2nd

Heather Dessauer	Chuck Becker	John Foreman	Robert Carnahan	Richard Sharpe	John Kiepura	Jerry Wilkening	Vote
YES	YES	YES	NO	YES	YES	YES	6-1

4. Cedar Lake 132nd & Morse, LLC-Site Plan

Owner/Petitioner: Cedar Lake 132nd & Morse, LLC, 16200 Clinton Street, Harvey, IL 60426
Vicinity: 13205 Morse St., Cedar Lake, IN 46303
Legal Description: SHADES ADD. CEDAR LAKE PLAT B A ALL L.12 BL.7 ALL L.13 BL.7
Tax Key Number(s): 45-15-23-455-002.000-043

Request: **Petitioner is requesting a Site Plan**

1. Petitioner's Comments: Petitioner not present. Oliphant confirmed for Bakker that the petitioner was not available electronically.
2. Town Engineer's Comments:
3. Building Department Comments:
4. Commission's Discussion: Carnahan noted this petitioner also did not show up for the BZA meeting. Wilkening read Bakker's summary stating, "the owner wants a site plan to put a food truck with outdoor seating and parking. The item was before the BZA on August 13 asking for Use Variance, as this type of business is not listed in any business districts. The owner was not present and the items were deferred. It should be noted that any approvals be contingent upon BZA and Town Council approvals. There has been no communication of any kind from the petitioner since the last meeting two weeks ago." Kiepura stated the BZA deferred their item to see if they would show up for Plan Commission. He stated this meeting was contingent upon the BZA meeting's decision and due to the lack of communication, it indicates to him, they have lost interest and recommend removing the item from the agenda. Dessauer and Carnahan were in support of Kiepura's suggestion. Foreman suggested making it clear on applications that failure to appear under notify starting as of September or October 1 that requires the petitioner to start over. Austgen confirmed for Wilkening that the petitioner did not come prepared with proper documentation. Bakker clarified for Wilkening that it was a Site Plan, no Public Hearing, and if they wanted to return, they would not have to notify adjoining or adjacent property owners or Publication fees. Kiepura noted health regulations, distancing, engineering requirements and a lot involved and does not feel this Town needs a food truck court and expressed his concern for aesthetic qualities.

5. Commission's Decision: John Kiepura made the motion, seconded by Heather Dessauer, to remove the item from the agenda due to lack of participation.

Motion: John Kiepura --1st Heather Dessauer --2nd

Heather Dessauer	Chuck Becker	John Foreman	Robert Carnahan	Richard Sharpe	John Kiepura	Jerry Wilkening	Vote
YES	YES	NO	YES	YES	YES	YES	6-1

Austgen confirmed for Wilkening a policy is being developed regarding food trucks. Kubiak confirmed for Wilkening that Gierczyk has been doing everything properly by obtaining a permit from the Town to operate on the property provided they have Health Department approval, insurance and proper documents.

UPDATE ITEMS:

1. Beacon Pointe Unit 3 – Performance Letter of Credit – Expires May 13, 2021
2. Beacon Pointe Unit 4 – Performance Letter of Credit – Expires October 1, 2021
3. Centennial Phase 12 – Performance Letter of Credit – Expires October 13, 2020
4. Rose Garden Phase 1 – Performance Letter of Credit – Expires October 16, 2020
5. Off Shore Estates – Performance Letter of Credit – Expires October 30, 2020

Bakker stated all of the above items are updates for the September's meeting. Oliphant indicated the top two would be reduction, Centennial would be rotation to maintenance, Rose Garden a reduction and extension on Off Shore.

Public Comment: No public comments noted electronically.

Kiepura inquired on YMCA update. Austgen stated he and the Town Council President met with YMCA on Monday and they are planning to move forward. Kiepura felt the YMCA did not understand what was required of them and noted it was asked of him to share his phone number to get more information as to what is required of them. He noted he would refer them to the Plan Commission President, Town Attorney or Town Council President, as opposed to discussion individually. Austgen confirmed that Kiepura meeting with them on his own would be problematic and advised the entire Commission against dialogue with any petitioners and using good common sense and ethics in their roles. Bakker advised the PUD ordinance was available online with a list of guidelines. Kubiak reminded them it was a Concept Plan for feedback, which they received. Wilkening felt they were confused about what was needed and noted he would not personally talk to any of the people on his own. Austgen clarified there was nothing else to report to Kiepura. He stated if there was something subject to a plan, proposal or application, he would advise and noted that was not what the meeting was about. He stated YMCA have been hearing from others their concerns as well. Kiepura suggested the Plan Commission President be present for a meeting like that, felt the information was not being filtered to the Commission members to better assist them in their decision making and requested being told with meetings occurred. Austgen explained not every aspect of the project is the Plan Commission's, noting other items of interest having other stakeholders and pieces needing to carefully be put into place with decisions being made by other boards or entities within the Town. Carnahan stated some Plan Commission members felt they were in the dark and wanted clarity to help them make a better decision. Austgen told the Commission that Town Council had been approached at one meeting with schematics by the same group that came to Plan Commission with a Concept Plan twice. He stated Plan Commission had more information than Town Council did. Wilkening indicated he shared information with Town Council President Niemeyer.

Adjournment: Wilkening adjourned the meeting at 8:29 pm.

Press Session:

Next Meetings: Plan Commission Work Session – August 5, 2020 at 7:00 p.m.
Plan Commission Public Meeting – August 19, 2020 at 7:00 p.m.

Chuck Becker

Robert Carnahan

Heather Dessauer

John Foreman

John Kiepura, Vice President

Richard Sharpe

Jerry Wilkening, President

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.