



**CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES**  
**CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA**  
**November 15, 2023 at 7:00 pm**

**Call To Order:**

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, November 15, 2023, at 7:25 pm with its members attending on-site. The Pledge of Allegiance was said by all.

**Roll Call:**

**Members Present via Zoom:** None. **Members Present On-Site:** Robert Carnahan; John Foreman; Heather Dessauer; Greg Parker, Vice President; and John Kiepura, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; David Austgen, Town Attorney; Ashley Abernathy, Planning Director; and Cheryl Hajduk, Recording Secretary.

**Absent:** Richard Sharpe, Secretary

**Minutes:**

Mr. Kiepura entertained a motion for the September 6, 2023 Work Session minutes, a motion was made by Mr. Parker and seconded by Mr. Foreman to approve the same. Motion passed unanimously by roll-call vote:

Mr. Carnahan	Aye
Mr. Foreman	Aye
Mr. Hunley	Aye
Ms. Dessauer	Aye
Mr. Parker	Aye
Mr. Kiepura	Aye

**Agenda:**

**1. 2023-29 – Harvest Creek – Preliminary Plat Extension**

Owner/Petitioner: Diamond Peak Group LLC, 1313 White Hawk Drive, Crown Point, IN 46307  
Vicinity: 9210 W. 155<sup>th</sup> Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the first order of business is for a Petition requesting a 1-year extension on the Preliminary Plat for Harvest Creek from February 15, 2024 to February 15, 2025.

Mr. Michael Herbers, 13131 White Hawk Drive, Crown Point, IN, commented we are seeking a one-year extension on our Primary Plat that was approved in February 2023. This is a 98 single family home development, 70-foot wide by 135-foot-deep homes, which is on 40-acres at the northeast corner of 155<sup>th</sup> and Parrish Avenue.

A motion was made by Ms. Dessauer and seconded by Mr. Hunley to approve the 1-year extension on the Preliminary Plat for Harvest Creek from February 15, 2024 to February 15, 2025. Motion passed unanimously by roll-call vote:

Mr. Carnahan    Aye  
Mr. Foreman    Aye  
Mr. Hunley      Aye  
Ms. Dessauer    Aye  
Mr. Parker      Aye  
Mr. Kiepura     Aye

**2. 2023-28 Lakeside Unit 2 Block 1 – Final Plat**

Owner/Petitioner: Cedar Lake 133 LLC, 8900 Wicker Avenue, St. John, IN 46373  
Vicinity: 5711 W 133<sup>rd</sup> Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting the Final Plat for Lakeside Unit 2 Block 1 which contains 55 single family lots and 1 out lot.

Mr. Jack Slager, Schilling Development, representing Cedar Lake 133 LLC, commented they are requesting Final Plat approval for Lakeside Unit 2 Block 1, which is 55 single-family lots. We paid the development fee and the MS4 fee and we provided the Town with the Performance Letter of Credit guaranteeing the completion of the improvements. The roads will be finished soon.

Mr. Oliphant stated our letter from November 9, 2023 reflects approval of the Final Plat with our standard three fees. The three percent inspection fee will be \$72,660.65. The Letter of Credit value will be \$1,335,094.04 and the MS4 inspection fee is \$2,000.

A motion was made by Mr. Foreman and seconded by Ms. Dessauer to approve Lakeside Unit 2 Block 1 Final Plat and note the November 9, 2023 Christopher Burke letter which the fees were documented. Motion passed unanimously by roll-call vote:

Mr. Carnahan    Aye  
Mr. Foreman    Aye  
Mr. Hunley      Aye  
Ms. Dessauer    Aye  
Mr. Parker      Aye  
Mr. Kiepura     Aye

**3. Centennial Villas Phase 1 – Request to Convert from Performance Letter of Credit to Maintenance Letter of Credit**

Mr. Kiepura stated the next order of business is for a request to convert from Performance Letter of Credit to Maintenance Letter of Credit for Centennial Villas Phase 1.

Mr. Kevin Paszko, Olthof Homes, 8051 Wicker Avenue, St. John, IN, commented we received Mr. Oliphant's letter from October 3, 2023 recommending the Letter of Credit be converted from Performance to Maintenance.

Mr. Oliphant commented this will be a Maintenance Letter of Credit for three years and the value will be \$93,460.79.

A motion was made by Ms. Dessauer and seconded by Mr. Parker to approve the request to convert from Performance Letter of Credit to Maintenance Letter of Credit referencing the Christopher Burke letter dated October 3, 2023 in the amount of \$93,460.79. Motion passed unanimously by roll-call vote:

Mr. Carnahan   Aye  
Mr. Foreman    Aye  
Mr. Hunley      Aye  
Ms. Dessauer   Aye  
Mr. Parker      Aye  
Mr. Kiepura     Aye

**4. Consider taking 2023-20 Red Cedars from the Table to allow discussion to take place at the December Work Session regarding the revised plans submitted as requested by the Plan Commission at the September 20, 2023 Public Meeting**

Ms. Abernathy commented she received a call from our Special Attorney's at Barnes & Thornburg and they are changing their recommendation from removing it from the table at this meeting to leaving it on the table to the January meeting.

Mr. Kiepura commented no action needs to be taken at this time and this item will be tabled until further notice.

**Update Items:**

**1. Building Regulations & Fee Amendment**

Ms. Abernathy commented she would like to Commission to review and advise if there are any changes that need to be made.

**2. Rose Garden Estates Unit 2 – Performance Letter of Credit expires December 9, 2023.**

Mr. Oliphant commented there is no update at this time, but progress is being made. We need to review their Phase 2 and 3 as-builts. Public Works also needs to review Phase 2 and 3 and to reinspect Phase 1.

Ms. Abernathy commented the Letter of Credit expires December 9, 2023 and asked should we set a pull date on December 6, 2023 or should we amend the agenda. Mr. Austgen stated he is comfortable with setting the pull date at the December 6, 2023 meeting.

**3. Ledgestone – Maintenance Letter of Credit expires December 7, 2023.**

Mr. Oliphant commented the punch list will be done soon.

**4. Summer Winds Unit 2 – Performance Letter of Credit expires December 20, 2023**

**5. Summer Winds Unit 3 – Performance Letter of Credit expires December 23, 2023**

Ms. Abernathy commented they have not heard anything from the developer.

6. Beacon Pointe East Unit 2 – Performance Letter of Credit expires January 30, 2024
7. Beacon Pointe East Unit 1 – Performance Letter of Credit expires January 30, 2024

Mr. Oliphant commented the pond re-shaping needs to be done on Unit 1 and this will get extended to July 2024. On Unit 2, everything is complete and a re-inspection needs to be done.

8. Beacon Pointe East Unit 1A – Maintenance Letter of Credit expires January 30, 2024
9. Beacon Pointe East Unit 2 – Maintenance Letter of Credit expires January 30, 2024

Mr. Oliphant commented the punch lists are addressed and we need to verify everything.

10. Summer Winds Unit 1 – Performance Letter of Credit expires February 15, 2024

Ms. Abernathy commented they have not heard anything from the developer.

11. Cedar View – Performance Letter of Credit expires February 15, 2024

Ms. Abernathy commented this will get extended.

**Tabled:**

**2023-18 Bay Bridge**

**2023-19 Founders Creek**

**2023-20 Red Cedars**

**Public Comment:**

Ms. Jennifer Prunsky, 14617 Blaine Street, commented she had concerns about the former South Shore Golf Course. There have been developers that have backed out on this property in the past. Discussion ensued in length regarding her research and working with the EPA regarding the pesticides and chemicals in the soil on this land. Discussion ensued in length regarding the research she has done on the community wells in the Town.

Mr. Kyle Caves, 12716 Wheeler Street, he wanted to thank the Commission for tabling Red Cedars. The research that Ms. Prunsky has done is correct and the Town does not want to deal with the EPA. The Town needs to do their research, keep good solid relationships and hold the developers accountable. Progress is going to come, but we need to be careful and we need to protect the lake.

Ms. Donna Corey, 14605 Bryan Street, commented she went into the Sportsmans Den and there is a Cedar Lake flag and it resembled a lake community. We are a lake community and we need to keep that in consideration and remember zoning laws when developing.

Mr. Jerry Wilkening, 10826 W. 131<sup>st</sup> Avenue, asked what do our Engineers say about the sewer capacity. Mr. Kiepura commented that Mr. Neil Simstad, Utility Engineer has commented there is enough capacity.

**Adjournment:** Mr. Kiepura adjourned the meeting at 8:10 pm.

## TOWN OF CEDAR LAKE PLAN COMMISSION

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John Kiepura, President

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Jerry Wilkening, Vice-President

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Heather Dessauer, Secretary

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James Hunley, Member

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Robert Carnahan, Member

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Greg Parker, Member

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Chuck Becker, Member

ATTEST:

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Cheryl Hajduk, Recording Secretary

*These Minutes are transcribed pursuant to IC 5-14-1.5-4(b) which states:*

*(b) As the meeting progresses, the following memoranda shall be kept:*

*(1) The date, time, and place of the meeting.*

*(2) The members of the governing body recorded as either present or absent.*

*(3) The general substance of all matters proposed, discussed, or decided.*

*(4) A record of all votes taken by individual members if there is a roll call.*

*(5) Any additional information required under section 3.5 or 3.6 of this chapter or any other statute that authorizes a governing body to conduct a meeting using an electronic means of communication.*

*Minutes of November 15, 2023.*