



CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
April 17, 2024 at 7:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, April 17, 2024, at 7:27 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:** Chuck Becker; Greg Parker; Robert Carnahan; James Hunley; Heather Dessauer, Secretary; Jerry Wilkening, Vice President; and John Kiepura, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; Ryan Deutmeyer, Town Attorney; Ashley Abernathy, Planning Director; and Cheryl Hajduk, Recording Secretary.

Absent: None

Mr. Carnahan commented that he requested that the Town Engineer look into the water over here. He sent out a report of what the status is. Mr. Oliphant commented what was sent to IDEM was a follow-up report from the January submittal. This is a comprehensive modeling of the entire three separate water systems that are in the Town. The West side is called Utilities, Inc., the East side as Robin's Nest and the new well at Paradise Cove Lighthouse. We have taken all of the information to date with the developments in Town, the existing users and we put it in a model and off of that model, we put in a Master Plan for the future to get the current capacity. This was to push forward the Morse water main extension from the new lighthouse well through the public safety buildings and also down Constitution Avenue. This is the second step that we've taken to try and get that Notice of Intent from IDEM to allow us to put pipe in the ground. We can put in subdivisions and get pressures and capacities very quick. IDEM is going to look at this and give us feedback.

Mr. Parker asked if some of this was contingent with the IURC and IDEM to get a loop in that system. Mr. Oliphant stated this was from the permit that was issued a couple of years ago for the 141st transition main, and it extends from the lighthouse well down 141st Avenue to the old eastern corporate limit, which is the southwest corner of the new Lakeside South development. Contingent of that permit, the Town was not allowed to connect into the new lighthouse well, without meeting several contingencies. The interconnection of Robin's Nest and tank into the lighthouse well facility. Also, providing chemical treatment at the lighthouse well. The 141st Avenue transmission main was somehow permeated off of Robin's Nest as well.

Mr. Oliphant stated the 141st Avenue transmission main well has been tested, chlorinated and pressure tested, it is not attached to anything.

Mr. Carnahan asked how long do you think something will come back from IDEM. Mr. Oliphant commented we will reach out to them in a week to see how we should proceed.

Mr. Parker asked how much is everything going to cost. Mr. Oliphant commented the Morse Water Main Project is around \$900,000 and is already bid out. There is a Phase 2 Plan to upgrade the well house.

Mr. Carnahan stated that at the Town Council Meeting, people didn't understand that we are only dredging 20% of the lake and we completed 64.7% of the 20% dredging. There is still 35.3% that is still in the loop. The Town Council is looking at every avenue that we can to try and get money to dredge the lake.

Minutes:

Mr. Kiepura entertained a motion for the March 20, 2024 minutes, a motion was made by Ms. Dessauer and seconded by Mr. Becker to approve the same. Motion passed unanimously by roll-call vote:

Mr. Becker	Aye
Mr. Parker	Aye
Mr. Carnahan	Aye
Mr. Hunley	Aye
Ms. Dessauer	Aye
Mr. Wilkening	Aye
Mr. Kiepura	Aye

Agenda:

1. 2023-09 141st Partners – Final Plat

Owner: 141st Partners LLC, Mike Neubauer, 2802 East 139th Avenue, Crown Point, IN 46307

Petitioner: 141st Partners LLC, 2802 East 139th Avenue, Crown Point, IN 46307

Vicinity: 10702 West 141st Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the first order of business is for a Petition requesting the Final Plat for a One Lot Subdivision.

Mr. Russ Pozen, DVG, Inc., 1155 Troutline Road, Crown Point, IN, commented the weather wasn't as cooperative as we would have liked to get contractors and excavators out there to do some of the cleaning; however, my client has secured his contractor to have his equipment on site and they will be doing some of the cleanup work. We received a letter from Christopher Burke on April 12, 2024 stating that the Final Plat is satisfactory to his approval. The full recommendation amount for the Letter of Credit is \$473,445.50. My client has installed all of the water mains. We are asking for Final Plat approval, so we can move towards the building permit.

Mr. Oliphant stated we issued a letter on April 12, 2024 and the Plat itself is in order. We recommended the Letter of Credit be posted at full value. The 3% inspection fee is \$12,912.15, the Letter of Credit is \$473,445.50 and the MS4 Inspection Fee is \$1,500. The 3% fee and MS4 have been paid. We issued a MS4 Inspection Report where we recommended another \$3,000 fine and a stop work order. The site is not where it needs to be. Mr. Pozen commented the downstream area had road control measures taken and the receiving of the Rose Garden structure is in good working order. Mr. Oliphant commented it is not in good shape. The water main was installed and would warrant a reduction, but we are withholding it back because of the site issues.

Mr. Pozen commented the water main was \$348,000 and that was the bulk of the Letter of Credit. The culvert has been opened up, but it needs to be cleaned up and seeded around this area. Mr. Oliphant commented we contacted Northfolk Southern to clean out the culverts South of 141st Avenue along the line with Hanover Middle Schools.

Ms. Abernathy commented the \$3,000 fine has been assessed. Mr. Neubauer paid the 3% inspection fee, the MS4 fee and the initial first \$3,000 MS4 have been paid. If the plat is not approved, unless the Board of Zoning Appeals is amenable to another extension, which the Zoning Ordinance allows for one extension, then they would have to re-do the Use Variance for the storage facility on that site.

Mr. Pozen commented the Letter of Credit will need to be approved by the Town Council in May.

Mr. Oliphant commented the Letter of Credit is tied to the water main and frontage improvements on 141st Avenue and it doesn't cover storm service, which is private owned on that property, and soil road control. To pull the Letter of Credit to fund something else may not work. Discussion ensued regarding the amount of Letter of Credit.

Mr. Pozen stated the Town has power and they would not issue a building permit and it can be held for an extended amount of time until things are constructed and stabilized. If there is a stop work order on the MS4 permit, if we are not able to keep going, then we have a problem. Mr. Oliphant commented a stop work order except stabilization practices to fix the deficiencies and no more site work. Anything related to getting it stabilized enough to compliance of MS4, can be done.

Ms. Abernathy commented we wouldn't release a building permit until Mr. Oliphant tells us the stop work order is lifted.

Ms. Dessauer commented we had a conversation of not issuing approvals if there were violations and MS4 violation is a big violation. Mr. Pozen asked is the violation for the onsite portion or the railroad property. Mr. Oliphant stated we are not recommending a stop work order because you are working off of your property, that is an issue in its own right. We did request that pipe be uncovered because you were working outside of your property boundary, but it should have been done responsibly, but it wasn't.

Mr. Parker commented he wanted to defer this item to the May 1, 2024 Special Public Meeting to get this into a better position.

A motion was made by Mr. Parker and seconded by Mr. Wilkening to defer this item to May 1, 2024 at the Special Public Meeting. Motion passed unanimously by roll-call vote:

Mr. Becker	Aye
Mr. Parker	Aye
Mr. Carnahan	Aye
Mr. Hunley	Aye
Ms. Dessauer	Aye
Mr. Wilkening	Aye
Mr. Kiepura	Aye

2. 2024-02 – Joyful Acres – Preliminary Plat

Owner/Petitioner: Linsey Porter, 6425 W 141st Avenue, Cedar Lake, IN 46303

Vicinity: 6425 W 141st Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting a Final Plat for a One Lot Subdivision and a waiver from the 30-day requirement between Preliminary Plat and Final Plat, with the Town withholding signatures until after the 30 days.

Mr. Jack Huls, DVG, Inc., commented Joyful Acres is a six-acre parcel that is southside of 101st Avenue near the east side of the Town limits. There previously was a home on the parcel, but it has been taken down. This is zone R-2, we have gone through the primary plat process and we presented the final plat and the review letter states everything is in order on this matter with subject to some waivers.

Mr. Oliphant commented the waivers were noted at preliminary plat.

Mr. Kiepura commented there is a three-day lag before the 30-days. We will approve this and withhold it until the 30-days are up and then the documents can be signed.

A motion was made by Mr. Wilkening and seconded by Mr. Becker to approve the Final Plat for a One Lot Subdivision and a waiver from the 30-day requirement between Preliminary Plat and Final Plat, with the Town withholding signatures until after the 30 days. Motion passed unanimously by roll-call vote:

Mr. Becker Aye
Mr. Parker Aye
Mr. Carnahan Aye
Mr. Hunley Aye
Ms. Dessauer Aye
Mr. Wilkening Aye
Mr. Kiepura Aye

3. 2024-03 Dairy Queen – Site Plan

Owner: Ted Vinyard, 9917 W 133rd Avenue, Cedar Lake, IN 46303

Petitioner: Hamstra Builders, 12028 N 200 W, Wheatfield, IN 46392

Vicinity: 9917 W 133rd Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting a Site Plan approval for an addition and remodel for the existing Dairy Queen.

Mr. Adam McAlpine, 398 East 400 North, McAlpine Consulting, commented Dairy Queen is looking to improve their site, but due to the nature of the proposed improvements, it will need to comply with the Stormwater Ordinance of the Town, which involves studying the site and excavating a detention basin and managing the stormwater runoff. All of the runoff flows to the South and there are no barriers for storms. We are proposing a detention basin at the southern end of the property in the wooded area and excavating some swales on the East and West sides of the parking lot. The plans have been submitted to Mr. Oliphant and he provided us with comments. We are requesting approvals conditioned on satisfying the engineering comments.

Mr. Wilkening asked is the existing pond a dry or wet bottom pond. Mr. Oliphant commented it is more of a depression. It will connect into the Summerwinds storm sewer system through an easement back there and it will be maintained. Discussion ensued regarding the easement and its connections.

A motion was made by Mr. Becker and seconded by Mr. Parker to approve the Site Plan approval for an addition and remodel for the existing Dairy Queen contingent on Christopher B. Burke's letter. Motion passed unanimously by roll-call vote:

Mr. Becker Aye
Mr. Parker Aye
Mr. Carnahan Aye
Mr. Hunley Aye
Ms. Dessauer Aye
Mr. Wilkening Aye
Mr. Kiepura Aye

4. 2024-05 StorSafe – Preliminary Plat

Owner/Petitioner: StorSafe of Cedar Lake, LLC, 5301 Dempster St., Suite 300, Skokie, IL 60077
Vicinity: 13649 Wicker Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting a Preliminary Plat for a One Lot Subdivision. Mr. Deutmeyer advised legals are in order.

Mr. Jack Huls, DVG, Inc., commented they are representing the Petitioner and there are two parcels which are metes and bounds. We need to do a one-lot subdivision to have a legal lot of record so we can proceed with the improvements.

Mr. Oliphant commented there were three minor comments on the April 11, 2024 letter to verify the existing location of the sanitary sewer throughout the parcel, to verify the detention basin will be maintained on site. Lakeview Industrial Park provided detention for the larger of the two parcels, not the fronting parcel. The Site Plan review will come before the Plan Commission in the future.

Mr. Huls commented there is a sanitary sewer that runs along the South property line and we know where they are at. We have a copy of a sanitary sewer easement that is shown on the plat that runs on the diagonal on the East of the life of the parcel. The sanitary sewer manhole may be in some infrastructure or a patio on that parcel that is cut out. The easement dedications will show on the Final Plat. The detention pond is there and when we went through the Lakeview Business Park design, we were unsure if that was going to stay that way because there was common ownership at that time. As the Site Plan continues to develop, we are deciding if that detention pond can be re-used for the front third of the parcel and on the final plat if we need to dedicate an easement for that detention facility, then that is where that will show up, but we do not anticipate that.

Mr. Kiepura asked if there were any remonstrator's for or against this Petition. Seeing none; public comment is closed.

Mr. Kiepura read an email from Chief Wilkening stating "one of the concerns about the storage place on Route 41 is that we are requiring them to extend a water line to the storage development and we are not sure what the distance from Taco Bell is to the development, can we have the developer extend the water

line to the storage be considered. A storage place without a water supply creates a problem due to what people store in the facility in the event of a fire.”

Mr. Kiepura asked if there is water on the property. Mr. Huls commented there is a well on the property next to the office building. We would like to have that considered at Site Plan so we can make plans to do that as part of any future buildings we do.

Mr. Kiepura commented the owner adjacent to Storsafe; his well is on that property.

Mr. Carnahan commented we had a discussion about the parking of the vehicles on the gravel. Mr. Kiepura commented we do not want parking on the gravel and that has nothing to do with the Preliminary Plat. Mr. Huls stated those are all Site Plan matters that will be addressed.

Mr. Wilkening asked are there any documentation that was approved back in the late 1980’s. Ms. Abernathy commented we are still researching for any documentation. Mr. Wilkening asked what is in front of the Board of Zoning Appeals at this time. Ms. Abernathy stated the request is to continue utilizing the back as parking and to continue the outdoor storage along the property, a waiver from the lights in the back where the gravel is, and a waiver from screening on the northside.

Mr. Wilkening asked can the Board of Zoning Appeals approve those Variances. Mr. Deutmeyer commented the Zoning Ordinance requires the parking to be paved and they are seeking a Variance from that provision.

Ms. Abernathy commented this is in front of the Board of Zoning Appeals and part of the Zoning Ordinance. Mr. Huls stated the Zoning Ordinance states we have to do certain things.

A motion was made by Mr. Hunley and seconded by Mr. Parker to approve the Preliminary Plat for a One Lot Subdivision contingent on Christopher B. Burke’s letter dated April 11, 2024. Motion passed by roll-call vote:

Mr. Becker	Aye
Mr. Parker	Aye
Mr. Carnahan	Aye
Mr. Hunley	Aye
Ms. Dessauer	Aye
Mr. Wilkening	Nay
Mr. Kiepura	Aye

5. 2024-06 Kreith & Carlin – Preliminary Plat

Owner: Jeffrey Thomas & Julie Faith Carlin, 5030 W 100th Lane, Crown Point, IN 46307

Petitioner: Cory Kreith, Younique Design + Build, 2700 Valparaiso St. Unit 1506, Valparaiso, IN 46384

Vicinity: 6949-70 W 126th Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting a Preliminary Plat for a One Lot Subdivision for a single-family residential home. Mr. Deutmeyer advised legals are in order.

Mr. Cory Kreith, Younique Design + Build, 2700 Valparaiso Street, Unit 1506, Valparaiso, IN, commented we would like to move forward with the Preliminary Plat and Mr. Oliphant got us a letter with Torrenza

and they adjusted the Plat and we provided Plat, Site Plan, Final Plat and final Site Plan. We would like to have the Public Meeting to create the One-Lot Subdivision.

Mr. Oliphant commented they issued a letter on April 11, 2024 with waiver considerations with park dedication, tree placement, stormwater detention and sidewalks.

Mr. Kiepura asked for any remonstrators for or against this Petition.

Mr. Tim Kemac, 6800 W. 125th Avenue, commented we live at the farm right across the street. This is an odd shaped lot and has water ravines all the way through it. There is a swale in front of our farm and ends with a pipe that goes under 126th Avenue and then empties into his lot. The culvert that the water empties into and the grate that cuts into the curb. How is he going to build a home there without disturbing the storm water runoff. There are several of those and go back 100-feet, which goes East.

Mr. Kiepura commented the Town Engineer will be looking at this and will let the owner know where the house has to go or if new drainage needs to be in place. Discussion ensued regarding the drainage.

Mr. Oliphant commented the owner will record a drainage easement, which will be on the plat and will not be in the drainage way.

Mr. Kiepura closed public comment.

Mr. Wilkening asked if the water will be going North of that home. Mr. Oliphant commented only a small portion is on the owner's first parcel and it will be 15-feet or more above the bottom of that ravine.

A motion was made by Mr. Wilkening and seconded by Ms. Dessauer to a Preliminary Plat for a One Lot Subdivision for a single-family residential home at 6949 W. 125th Avenue, contingent on Christopher B. Burke's letter dated April 11, 2024. Motion passed unanimously by roll-call vote:

Mr. Becker	Aye
Mr. Parker	Aye
Mr. Carnahan	Aye
Mr. Hunley	Aye
Ms. Dessauer	Aye
Mr. Wilkening	Aye
Mr. Kiepura	Aye

6. 2024-07 Kubal – Preliminary Plat

Owner: Martha Ann Kubal, Trs dated 1/31/92, 13305 Morse Street, Cedar Lake, IN 46303

Petitioner: Brian Kubal, 13305 Morse Street, Cedar Lake, IN 46303

Vicinity: 13135 Morse Street, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting a Preliminary Plat for a One Lot Subdivision with one outlot. Mr. Deutmeyer advised legals are in order.

Mr. Brian Kubal, 7600 W. 136th Court, Cedar Lake, commented he wants to make a one-lot subdivision. The upper half will go with the building that is currently for sale and the bottom half will remain ours, which will be used for parking in the shopping center.

Mr. Oliphant commented the April 10, 2024 letter has many engineering waivers to be considered, because it is an existing building that pre-dates a lot of our Ordinances. It would be public frontage improvements, park dedication, tree placement, stormwater detention, sidewalks, screening and lighting.

Mr. Parker asked if someone wants to put a business in the building that is for sale, will all of the waivers follow the building. Mr. Oliphant responded in the affirmative and if a caveat goes on some of those; i.e., lighting, because there is residential to the East. There isn't room for sidewalks in this area. Discussion ensued.

Mr. Oliphant stated for the number of waivers, we put at the bottom of the letter that additional construction on the proposed parcels require conformance with all current Ordinances. If it stays in its current footprint, we would be fine with how it sits today. If there were substantial improvements; then it would be need to be discussed. Ms. Abernathy commented if it increases by 25%, it would be back in the Plan Commission for Site Plan review.

Mr. Wilkening asked what is the address of the parking lot. Mr. Oliphant stated that is one of our comments in our letter. Discussion ensued regarding an address.

Ms. Dessauer commented it is recommended an additional 5-foot of right-of-way be dedicated on Morse Street and 132nd Avenue. The additional pavement at the southeast corner of Morse Street and 132nd Avenue shall be enclosed within a public right-of-way dedication.

Mr. Oliphant commented the western and northern property line would shrink by 5-feet and we would get more right-of-way because the roadway sticks into your property slightly. Discussion ensued getting more of a right-a-way.

Mr. Kiepura asked for any remonstrators for or against this Petition. Mr. Kiepura closed public comment.

A motion was made by Mr. Parker and seconded by Mr. Wilkening to approve the one lot subdivision with one outlot contingent on all of the issues in the Christopher B. Burke letter dated April 10, 2024. Motion passed unanimously by roll-call vote:

Mr. Becker Aye
Mr. Parker Aye
Mr. Carnahan Aye
Mr. Hunley Aye
Ms. Dessauer Aye
Mr. Wilkening Aye
Mr. Kiepura Aye

7. Rose Garden Units 1 through 3 Letter of Credit Amendments

Mr. Kiepura stated the next order of business is for Rose Garden Units 1 through 3 Letter of Credit Amendments.

Ms. Abernathy commented this is a request from BMO Bank to remove People's Bank as the advising bank and to put in the Letter of Credit, where we can draw from the Letter of Credit should we need to pull. They are not asking for reductions in the Letter of Credit, this is just removing People's Bank as the advising bank.

A motion was made by Mr. Parker and seconded by Mr. Wilkening to approve Rose Garden, Units 1 through 3 Letter of Credit Amendments. Motion passed unanimously by roll-call vote:

Mr. Becker Aye
Mr. Parker Aye
Mr. Carnahan Aye
Mr. Hunley Aye
Ms. Dessauer Aye
Mr. Wilkening Aye
Mr. Kiepura Aye

8. Oak Brook Performance Letter of Credit Extension

Mr. Kiepura stated the next order of business is for Rose Garden Units 1 through 3 Letter of Credit Amendments.

Ms. Abernathy commented this Letter of Credit was set to expire on April 8, 2024, but it fell off of the radar for tracking. People's Bank submitted an updated Letter of Credit, which was accepted by the Town Council at their first April 2024 meeting. The request is to ratify the approval of the Town Council and the amount is \$447,420.52 and the expiration date would be October 8, 2024.

A motion was made by Mr. Wilkening and seconded by Mr. Parker to approve the Oak Brook Performance Letter of Credit extension. Motion passed unanimously by roll-call vote:

Mr. Becker Aye
Mr. Parker Aye
Mr. Carnahan Aye
Mr. Hunley Aye
Ms. Dessauer Aye
Mr. Wilkening Aye
Mr. Kiepura Aye

Update Items:

1. 2024-10 – Schilling Development – Preliminary Plat

Mr. Jack Huls, DVG, Inc., commented we received a letter from Mr. Oliphant and we are working through some utility items.

2. Cedar Lake Storage – Phase 2 Update

Ms. Abernathy commented Cedar Lake Storage sent a signed contract with Site Services to pave Phase 2 and do the work that is needed to be done and they continue to send photos monthly.

3. Beacon Pointe West Unit 5 – Performance Letter of Credit expires May 19, 2024

Mr. Oliphant commented they will be looking at a six-month extension.

4. Hanover Community School Corp – Performance Letter of Credit expires May 24, 2024

Ms. Abernathy commented the school has advised they will extend their Letter of Credit.

5. Perez – Performance Letter of Credit expires June 14, 2024

Ms. Abernathy commented they are seeking the extension for the Letter of Credit.

6. Cedar Lake Storage – Performance Letter of Credit expires July 1, 2024

Ms. Abernathy commented this is the public infrastructure section of the Letter of Credit, which is \$7,700.

7. Beacon Pointe Unit 3 – Maintenance Letter of Credit expires July 12, 2024

Mr. Oliphant commented we completed our inspections this week. Public Works has been notified to complete their undergrounds. Our punch list will go out soon.

8. Beacon Pointe East, Unit 4 – Performance Letter of Credit expires July 25, 2024

Mr. Oliphant commented this is dependent on the paving phase.

9. Beacon Pointe East, Unit 1 – Performance Letter of Credit expires July 30, 2024

Mr. Oliphant commented this is the pond and we will discuss this with Mr. Slager and Mr. Huls.

Tabled:

2023-18 Bay Bridge

2023-19 Founders Creek

2023-20 Red Cedars

Public Comment:

Mr. Jack Slager, Schilling Development, 8900 Wicker Avenue, commented for Lakeside North and Lakeside Original, we submitted a letter to the Town Council and Mr. Slager read the letter out loud, which their lot coverage Variance was denied. Mr. Slager was asking the Town Council to amend the Ordinance to allow up to 35% lot coverage. We have an R-2 zone in Lakeside North and we are struggling with what the builder's want to build in that development.

Mr. Parker commented we will discuss this with Mr. Austgen and to take a look at the plat to adjust lot sizes.

Mr. Kiepura commented they wanted smaller lots and now they want bigger lots. The builders are showing bigger houses of what they can put on the lot. Mr. Slager commented we never asked for smaller lots and doesn't understand where the 25% came from.

Mr. Carnahan commented Ms. Abernathy researched the areas around us and they have more than 25% lot coverage. We are the only one in the area that has 25% lot coverage. Discussion ensued.

Mr. Wilkening asked this would be for the living space. Mr. Slager responded in the affirmative. They cannot get a building permit for the house, garage or porch, because they are over 25% lot coverage. The builder can come in for a Variance. Discussion ensued regarding how Schilling Development wanted to do a blanket Variance for over 25% lot coverage for the homes.

Ms. Angie Mikolajczak, 12806 Lee Court, commented it was discussed that we had some issues with accessory buildings being on some property. This Board had directed the Town to send the owner of the property a violation letter to be given five days to rectify the situation. It is now 90-days since the five-day notice was sent out and the Town Council meeting said that the Town was going to call the property owner and tell them of the directive to move the building. Ms. Abernathy commented the call was made and a letter was sent. The owner said the accessory building will be taken down. The fine has not been given as of yet, we are waiting for a day or two to see if the accessory building comes down. The owner of the shed had surgery and was wanting more time to take the shed down. The owner wanted to come in front of the Plan Commission to parcel out a section of land around the shed so he could keep the shed. With the direction of the Town Council, he was told that the option was not available and the shed would need to come down.

Mr. Becker asked if there was a permit for this shed. Ms. Abernathy responded in the negative.

Mr. Wilkening asked if there are other Ordinance violations. Ms. Abernathy commented she needs to check if there are.

Mr. Kiepura asked what were the five days for. Ms. Abernathy commented to bring the property into compliance with what the letter stated. Mr. Kiepura stated to fine them.

Ms. Mikolajczak commented the comex container and carport have been removed and the shed is remaining.

Ms. Mikolajczak commented that Mr. Austgen said the builder believed that there was to be no more building in Lee Cove. The Building Department has not taken this into consideration and continues to deal with the shed and other things. I have asked for public record to get more information on Lee Cove. The records request stated there is nothing available.

Ms. Mikolajczak stated Mr. Austgen commented that it is this governing body to enforce the violation and to see what happens.

Mr. Wilkening asked if there are stormwater violations in this subdivision. Mr. Oliphant commented it is an existing condition and the shed has nothing to do with the drainage. Ms. Mikolajczak commented the subdivision plans show a 15-foot drainage easement behind the entire u-shaped cul-da-sac. The Town has 15-feet on the back of each property to work with to put in a drain. Discussion ensued in length regarding the easement and if the drainage is causing an issue.

Mr. Hunley stated let's get the shed done and the drainage issue and the Ordinance violation to the proper channels and get it enforced.

Ms. Mikolajczak asked should the plan be to have a ditch there like it is supposed to. Mr. Kiepura asked who is giving the plans, if it is Storm Board, then you need to speak with them.

Mr. Wilkening asked are there any stormwater issues with the elevation and the swales that do not exist. Mr. Oliphant commented there was a swale proposed on those rear lots that is part of Lee Cove platting back in 2006 and they do not exist.

Ms. Abernathy commented if the shed does not come down, and if the fine is not taken care of by Price Point Builders, this issue will be turned over to legal.

Ms. Dessauer asked how long do they have to pay the fine. Ms. Abernathy commented ten business days.

Mr. Terry Broadhurst, 14513 Morse Street, commented the job needs to be done right the first time and he is referring to Lee Cove. Mr. Parker commented this isn't fair, because that project and that developer went bankrupt at that time. Discussion ensued.

Discussion ensued regarding in length what the fine amount should be and how many days should be given before the fines start to incur.

Mr. Kiepura commented at the next meeting, he wants a report from the Storm Board and a report from Code Enforcement or whoever needs to take care of the issue of the shed.

Adjournment: Mr. Kiepura adjourned the meeting at 9:39 pm.

TOWN OF CEDAR LAKE PLAN COMMISSION

John Kiepura, President

Jerry Wilkening, Vice-President

Heather Dessauer, Secretary

James Hunley, Member

Robert Carnahan, Member

Greg Parker, Member

Chuck Becker, Member

ATTEST:

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 April 17, 2024.