



CEDAR LAKE PLAN COMMISSION WORK SESSION MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
May 1, 2024 at 6:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Work Session to order on Wednesday, May 1, 2024, at 6:01 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; David Austgen, Town Attorney; Ashley Abernathy, Planning Director; Jeff Bunge, Town Manager; and Cheryl Hajduk, Recording Secretary.

Absent: none

Work Session:

1. 2024-06 – Kreith & Carlin – Final 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 first order of business is for a Petition requesting a Preliminary Plat for a One Lot Subdivision for a single-family residential home.

Mr. Cory Kreith, Younique Design + Build, 2700 Valparaiso St., Unit 1506, Valparaiso, IN commented we are looking for Final Plat approval to move forward with the single-family residence.

Mr. Oliphant commented we have the document and we are still reviewing it and we do not anticipate any issues.

Ms. Abernathy commented this will need to hold signatures until May 17, 2024 for the mylars to be signed.

Mr. Kiepura commented they will be back in two weeks.

2. 2024-07 Kubal – Final Plat

Owner: Martha Ann Kubal, Trs dtd 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. Stuart Allen, Torenga Surveying, 907 Ridge Road, Munster, IN representing Mr. Kubal, commented we made some changes to the path to the dedication right-of-way for the widening of Morse Street. Also, the alley to take into account where the radiuses are for the existing pavement.

Mr. Oliphant commented based on the Final Plat that was submitted, they concurred with the right-of-way dedications on Morse Street and 132nd Street including the corner.

Ms. Dessauer asked this is not an easement, but a dedication. Mr. Oliphant stated it is a right-of-way dedication.

Mr. Wilkening asked this is on the northside and the southwest side of that building. Mr. Oliphant responded in the affirmative.

Ms. Abernathy commented two days before the 30 days would expire, we would hold signatures until May 17, 2024 on the mylars.

Mr. Kiepura commented they will be back in two weeks.

3. 2024-11 Newenhouse – Concept Plan

Owner: Melissa Newenhouse, 14829 Reeder Road, Crown Point, IN 46307

Petitioner: Michael Newenhouse, 14829 Reeder Road, Crown Point, IN 46307

Vicinity: 14829 Reeder Road, Crown Point, IN 46307

Mr. Kiepura stated the next order of business is for a Petition requesting a Concept Plan for a One Lot Subdivision.

Mr. Michael Newenhouse, 14829 Reeder Road, Crown Point, IN, commented he would like to combine a couple of lots, to build a pull barn.

Ms. Abernathy commented Mr. Newenhouse would like to build a new accessory structure on the property. It is a metes and bounds and would need to be made a legal lot of record in order to build. Mr. Newenhouse would like to come back in June for the Preliminary Plat.

Mr. Kiepura asked how big is the property going to be after combined. Ms. Abernathy stated 2.14 acres. He would be allowed 2,000 square feet of accessory structure size. His next step would be Preliminary Plat in June.

4. Request for Address Change on 142nd Avenue by Paul Misch

Ms. Abernathy commented this is for 9102 W. 142nd Avenue and is for Lots 21 to 24 in the Jane Wand Subdivision. Nobody was present. Mr. Kiepura commented Mr. Misch can be at the next work session.

5. Consideration of Waiver from Town Standards for a New Home to be constructed on an existing gravel road in the Town's Road inventory.

Ms. Abernathy commented the owner is Mr. Michael Smith and the property address is 14315 Rocklin Street in Cedar Lake, IN. The property owners were supposed to zoom in for this meeting.

Mr. Carnahan commented the road looks to be a gravel road.

Mr. Parker commented he had a previous discussion with Mr. Smith and did Mr. Smith make requests before he purchased this property. Ms. Abernathy commented Mr. Smith and I had numerous conversations and I had not foreseen any problems with him building that house on that property, because there was a house on that property previously and the house that was there was demolished by the former owner.

Mr. Kiepura commented they can come back to the next work session.

6. Extension of Beacon Pointe West Unit 5 of Performance Letter of Credit

Ms. Abernathy commented the developers would like to extend the Letter of Credit for Beacon Pointe West Unit 5 to November 19, 2024 in the amount of \$212,835.71.

Mr. Wilkening asked does this include the MS4 violations on the north end of the property by the ditch. Mr. Oliphant responded in the negative, but it includes the pond. The remaining items are for pavement.

Mr. Carnahan asked can the two agenda items be brought up after the Special Meeting if the Petitioners are present. Mr. Austgen commented a motion would need to be made.

A motion was made by Mr. Carnahan and seconded by Mr. Wilkening to allow the Work Session to continue after the Special Public Meeting. Motion passed by roll-call vote: 5 – ayes, to 2 - nays

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

Update Items:

1. Cedar Lake Storage – Phase 2 Update

Ms. Abernathy commented they have provided the April pictures and they have provided a copy of the report. The pictures for May will be going to the Town Manager and the Administrative Assistant.

Mr. Kiepura asked if they provided a scheduled start date for the paving. Ms. Abernathy responded in the negative.

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

Ms. Abernathy commented as reported last month, the Perez's advised that as part of their closing with the new owners of the property, they will carry the Performance Letter of Credit for one more year. At the end of the year, the new owner will pick up the Performance Letter of Credit. We received an extension and it will be on the agenda for the Public Meeting for May 15, 2024.

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

Ms. Abernathy commented this is for their public infrastructure. Mr. Oliphant commented this is for minor surface between the sidewalk and the Town public roadway. Ms. Abernathy commented the Letter of Credit is for \$7,700.

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

Mr. Oliphant commented we have a punch list together.

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

Mr. Oliphant commented this will probably extend for another six months.

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

Mr. Oliphant commented this is the pond improvement and is the fronting Unit of Beacon East.

7. Rose Garden Estates, Unit 3 – Performance Letter of Credit expires August 22, 2024

Mr. Oliphant commented he has heard nothing. The building is done. They have not called in for underground inspections for follow-up to Unit 1, 2 or 3.

Tabled:

2023-18 Bay Bridge

2023-19 Founders Creek

2023-20 Red Cedars

Public Comment:

Ms. Angie Mikolajczak, 12806 Lee Court, asked are there any updates on our property as far as the Storm Water Board and removal of the shed on the adjacent property behind my house. Ms. Abernathy commented the next Storm Water Board meeting isn't until May 14, 2024, so we will be able to get an update after that. The shed has been removed.

Mr. Kiepura commented the foundation should also be removed from the shed. Ms. Abernathy commented the Inspector will go and take a look if the foundation is still there.

Ms. Mikolajczak commented there is more than 4-feet of rock built up and there are two railroad ties in this area. The carport, shed and conex boxes were removed.

Ms. Mikolajczak commented Public Works came out to clean the drains in our subdivision and Public Works commented the rock is going to go into my yard.

Mr. Kiepura commented the Plan Commission has done everything we could to alleviate the problems. The items left are for Storm Board or Code Enforcement.

Mr. Kiepura stated if the foundation hasn't been removed, they are in violation of what was discussed, then are to be fined from the sixth day on for \$2,500.

Ms. Mikolajczak commented where the shed is placed now, which is on the adjacent property next to me, instead of being in the back, it is now on the hill on the side. should we have been notified regarding that. It exceeds the 25 percent footprint on that property. Their shed is 16x40 and my house is identical to the adjacent property.

Ms. Dessauer stated there are setbacks that should have been abided by before a shed was put up. Ms. Abernathy commented the permit was reviewed by a Building Inspector for compliance with Town Code and it was determined it met Town Code and it was approved.

Mr. Wilkening asked if the shed was approved by the Board of Zoning Appeals, and now it is in a different location, should there have been approval by the Board of Zoning Appeals again. Mr. Austgen stated it depends if the move is substantive or not. Ms. Abernathy commented there was no need for them to be at the BZA and the shed was 16x20. Discussion ensued.

Mr. Parker asked if an electric permit was pulled for the shed. Ms. Abernathy commented she did not review the permit and we would need to check with the Building Inspector.

Ms. Mikolajczak commented looking at the preliminary plans for the subdivision, it says 15-foot drainage easement behind the subdivision and it looks like the shed is in the drainage easement on the other side. There is a hole dug in the sidewalk up front that is filling with water where the shed is and in the front by the street.

Ms. Mikolajczak commented Mr. Bunge and a Building Inspector came out to my property. I received a red tag on my house, because the stairs off the deck were rotten by the water. We repaired the stairs. I did not know we needed a permit to fix the stairs. We did a survey and a diagram of what was required. We received a fine three times the amount according to the Ordinance because we didn't pull a permit. We signed a

waiver for new home construction that they didn't check the posts. The deck is 18-inches and is by where the water was, so we grated the land around it to avoid water coming into the foundation.

Ms. Mikolajczak asked why did she get a red tag and the adjacent owner did not for their carport and the shed.

Mr. Carnahan commented we did not implement the red tag; someone turned you in. Discussion ensued regarding permits.

Mr. Parker asked Mr. Austgen if he can review the file and if it is not right, he wants to know why.

Mr. Parker stated if the deck was three times the permit fee, then the shed should have been three times the permit fee.

Ms. Dessauer commented there was a step missed for the deck and the adjacent property owner was doing things on purpose.

Mr. Parker commented he wants to make sure nothing was done that needed a Board of Zoning Appeals approval that didn't get a BZA approval.

Ms. Mikolajczak commented the original problem was that the adjacent property owner using the property that is zoned residential for commercial. There is still traffic with heavy equipment going back and forth.

Mr. Wilkening asked are the items removed from the west side. Ms. Mikolajczak responded there is a storage trailer there.

Mr. Kiepora commented Code Enforcement needs to be given a list of what is supposed to be done and have them go out there and see that it is taken care of. Mr. Austgen stated the Building Department will need to be involved with this and not Code Enforcement. Discussion ensued more in length of the Building Department being involved in these issues.

Mr. Austgen stated this did not happen overnight and will not be fixed overnight. The assessment, documentation, coordination with inspectors and administrative staff will be involved. Discussion ensued regarding the review of the documents from Mr. Austgen and how long this may take for review.

Ms. Dessauer asked will we get a spreadsheet regarding the updated MS4 fines. Ms. Abernathy commented she will email the spreadsheet. There are no outstanding fines dating back to 2022.

Mr. Becker asked if anyone reached out about the barn off of Parrish Avenue. Mr. Bunge commented it is owned by Diamond Peak. Discussion ensued regarding securing the barn.

Mr. Carnahan commented there was discussion that the barn was supposed to be preserved and this will be discussed at the Unsafe Building meeting. Ms. Dessauer commented the agreement was that they were initially going to preserve pieces of the barn, but deconstruct it. We held off on issuing a Demolition Permit to review documents.

*Mr. Parker is continuing the comments from the Special Meeting regarding Mr. Michael Smith's waiver request to build a home. Mr. Parker's discussion with Mr. Smith was that he reached out to the Building Department before he purchased this lot to make sure it was buildable. The lot is an unimproved road that is dedicated where a house previously was with a well and sewer tap. Mr. Smith tried to pull a permit to start construction on his home, he cannot get the permit because the lot is on a gravel street.

Ms. Abernathy commented Mr. Smith reached out in January. The road shows that it is a level 1 on the Paser Map and we have allowed building permits in the past. There is also existing utility build, and in reviewing and in what we have allowed in the past, that a building permit would not have been a problem. When something comes in for an older pre-platted subdivision, we send it off for review. During the review process and because it is noted as an unimproved road, that he cannot build without improving the road on the entire frontage that is outlined in the Subdivision Control Ordinance. The direction from Mr. Austgen was that it would appear before the Plan Commission for a request to build a new house on this road due to the fact that there was a house there previously.

Mr. Austgen stated that recommendation was based upon history here. We have the subdivision most recent is on Colfax Street on the eastside up on 133rd. We gave approvals, notwithstanding the condition of the road, with a requirement of an extension be made not to the end of the property, but to the start of the property to the frontage. My recommendation is based upon history here and custom practice.

Mr. Parker commented there weren't any other houses down that street in that case, but in this case, there is a house down the street. Mr. Parker stated the information should be accurate when someone wants to try and purchase a lot to build a house on in a pre-platted subdivision.

Mr. Wilkening asked is there anything else wrong with this property. Mr. Oliphant commented they revised the Zoning Ordinance and allows for cases like this. It needs the waiver to follow the current Ordinance.

Mr. Wilkening asked can we re-open the Public Meeting. Mr. Austgen responded in the affirmative. Mr. Kiepura commented he did not to re-open the Public Meeting.

Mr. Kiepura stated we have not seen any instance where we have approved a house to be built on a gravel road. Mr. Parker stated every subdivision East of Morse Street is a gravel road.

Mr. Parker commented Mr. Smith received inaccurate information before purchasing the lot.

Mr. Parker left the meeting at 7:25 pm.

Mr. Kiepura stated there are more items to discuss regarding the waiver, building of the house on the gravel road.

Ms. Dessauer asked what is the address of the proposed house. Ms. Abernathy commented 14315 Rocklin Street.

Mr. Kiepura commented Mr. Smith can be back at the next work session.

A motion was made by Mr. Hunley and seconded by Mr. Carnahan to allow a Work Session prior to the next Public Meeting. Motion passed by roll-call vote: 3 – ayes, to 3 – nays. No action taken.

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

Adjournment: Mr. Kiepura adjourned the meeting at 7:33 pm.

TOWN OF CEDAR LAKE PLAN COMMISSION

John Kiepora, 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 May 1, 2024