



**CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES**  
**CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA**  
**May 15, 2024 at 7:00 pm**

**Call To Order:**

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, May 15, 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; David Austgen, Town Attorney; Jeff Bunge, Town Manager; Tim Kubiak, Director of Operations; and Cheryl Hajduk, Recording Secretary.

**Absent:** None

**Minutes:**

Mr. Kiepura entertained a motion for the approval of the March 6, 2024 Work Session and the Work Session for April 3, 2024, a motion was made by Mr. Becker and seconded by Mr. Wilkening to approve the same. Motion passed by roll-call vote: 6 Ayes, 1 Nay

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

**Agenda:**

- 1. 2024-10 – Schilling Development – Preliminary Plat**  
**Owner: Cedar Lake 133, LLC, PO Box 677, St. John, IN 46373**  
**Petitioner: Schilling Development, PO Box 677, St. John, IN 46373**  
**Vicinity: 5604 W 141<sup>st</sup> Avenue, Cedar Lake, IN 46303**

Mr. Kiepura stated the first order of business is for a Petition requesting a Preliminary Plat for Lakeside South Unit 1 for a total of 34 lots and 4 outlots.

Mr. Kevin Hunt, on behalf of Schilling Development, PO Box 677, St. John, IN 46373, commented we are requesting a Preliminary Plat for Lakeside South and we are asking for a deferral.

A motion was made by Mr. Carnahan and seconded by Mr. Parker to defer this Petition to the next work session next month. Motion passed by roll-call vote: 6 – ayes, 1 - abstain

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

**New Business:**

**1. 2024-06 Kreith & Carlin – Final Plat**

**Owner: Jeffrey Thomas & Julie Faith Carlin, 5030 W 100<sup>th</sup> Lane, Crown Point, IN 46307**

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

**Vicinity: 6949-70 W 126<sup>th</sup> 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. Cory Kreith, Younique Design + Build, 2700 Valparaiso St., Unit 1506, Valparaiso, IN commented we went through the steps and we are looking to sign mylars.

Mr. Oliphant commented we issued a letter on May 9, 2024 recommending approval and the only contingency was reciting some of the recommended waivers from the Preliminary Plat approval.

A motion was made by Mr. Wilkening and seconded by Ms. Dessauer to approve the Final Plat for a One Lot Subdivision for a single-family residential home with the following waivers: park dedication, tree placement requirements, storm water detention and sidewalk as shown in the Christopher B. Burke’s letter dated May 9, 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

**2. 2024-07 Kubal – Final 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. Brian Kubal, 13305 Morse Street, Cedar Lake, IN commented he would like to get the Final Plat and get it recorded.

Mr. Oliphant commented we issued a letter on May 9, 2024 with the engineering waivers that we recommended for Preliminary Plat and there is one contingency to hold the mylars until we figure out addressing to this site. The addressing on that street is not in order.

Ms. Dessauer asked where did we leave off with the easement. Mr. Oliphant commented the easements are dedicated roadways on the North and West.

A motion was made by Ms. Dessauer and seconded by Mr. Carnahan to approve the Final Plat for a One Lot Subdivision with One Outlot contingent of the May 9, 2024 letter from Christopher B. Burke and to hold off on having mylars printed until the address is figured out. 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. 14315 Rocklin Street – Michael Smith – Consideration of Waiver from Town Standards for a New Home to be Constructed on an existing gravel road in the Town’s Road Inventory.**

Mr. Kiepura stated the next order of business is for a Petition requesting consideration of waiver from Town Standards for a new home to be constructed on an existing gravel road in the Town’s Road inventory.

Mr. and Mrs. Michael and Elizabeth Smith, 1845 Gates Avenue, Kingman, AZ, commented this has been a complicated ordeal as we purchased property in Cedar Lake, Indiana and we hoping to build our forever home and move that way. We went through the process of due diligence and we submitted a letter to Council with the background information. We would like to get a Variance for the building of the house on this street and if that is required per the zoning requirements.

Mr. Kiepura commented there is a lot of confusion on what the staff’s office told Mr. Smith about his property. There is a gravel road there.

Mr. Hunley commented it is a dead-end street in both directions North and South. It looks more like a long driveway.

Mr. Bunge stated it is an unimproved, dedicated road which is in our road infrastructure. Mr. Carnahan stated the Town is responsible for maintaining and upgrading that road.

Mr. Kiepura asked if the east side of Rocklin Street is vacant property. Mr. Kubiak responded in the affirmative and it was recommended that the waiver for the building on an improved public right-of-way be waived, because of the information given that there was a house there and it was torn down. They were told that a house could not be built there by the Town. The rule is still in effect that any home needs

to be built on a public improved right-of-way and it is not paved. The waiver is allowing this to happen, due to the information that was given to the Smith's. They have 100-feet of property and is recommended that they be granted a waiver to build one house on this property, which is four, 25-foot parcels.

A motion was made by Mr. Parker and seconded by Mr. Carnahan to grant the approval of the request for a waiver to build one house on Rocklin Street that is a gravel road as requested. Motion passed by roll-call vote: 6 – ayes, 1 – nay

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

#### **4. Extension of Beacon Pointe West Unit 5 Performance Letter of Credit**

Mr. Kevin Hunt, on behalf of Schilling Development, commented the paperwork was submitted for Beacon Pointe West, Unit 5.

Mr. Oliphant commented it is for \$212,835.71 extended until November 19, 2024.

A motion was made by Mr. Carnahan and seconded by Mr. Wilkening to approve the extension of Beacon Pointe West Unit 5 in the amount of \$212,835.71 to expire on November 19, 2024. Motion passed by roll-call vote: 6 – ayes, 1 - abstain

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

#### **5. Extension of Perez Performance Letter of Credit**

Mr. Oliphant commented this has been extended and the amount is \$4,430.25. The expiration date is June 14, 2025.

Ms. Dessauer commented the property switched ownerships, but the Letter of Credit is still being held by the Perez's. Mr. Oliphant responded in the affirmative.

A motion was made by Mr. Wilkening and seconded by Mr. Becker to approve the extension for the Perez Performance Letter of Credit in the amount of \$4,430.25 until June 14, 2025. 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. Extension of Hanover School Corp. Performance Letter of Credit**

Mr. Oliphant commented this is an extension of the Letter of Credit to May 24, 2025 in the amount of \$373,557.25.

A motion was made by Mr. Wilkening and seconded by Mr. Carnahan to approve the extension for the Hanover School Corporation Performance Letter of Credit in the amount of \$373,557.25 until May 24, 2025. 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. Cedar Lake Storage – Phase 2 Update

Mr. Kubiak commented there hasn't been any paving done. Their time is running out. Phase 1 is complete. They have until June 15, 2024.

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

Mr. Oliphant commented this is the fronting the remaining sidewalk to the East and then minor paving between existing pavement and the sidewalk.

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

Mr. Oliphant commented we forwarded our punch list onto Schilling. We are waiting on storm inspections by Public Works. Inspections have been done for sanitary and water.

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

Mr. Oliphant commented this will extend.

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

Mr. Oliphant commented they are working on this and there will be an update at the next meeting.

Mr. Wilkening asked there may be a change with the pond. Mr. Oliphant responded in the affirmative.

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

Mr. Oliphant commented he does not have an update.

Discussion ensued regarding paving at Tastee Top and Bugaboo's.

**Tabled:**

**2023-18 Bay Bridge**

**2023-19 Founders Creek**

**2023-20 Red Cedars**

**Public Comment:**

Ms. Angie Mikolajczak, 12806 Lee Court, commented she has a yard drain and this is related to the sidewalk that is on my property that was built with the home and it is only half of a sidewalk that leads directly into a yard drain. She spoke with two Town employees and two slabs of concrete can be removed from the sidewalk. Mr. Kieपुरa commented he cannot give approval to have the slabs removed.

Mr. Kubiak commented he met Ms. Mikolajczak at her residence a couple of weeks ago, and gave permission for her to remove the two pieces of concrete, because it is conducive to the neighborhood, which is a side road across the street, pass the sidewalk to the driveway, stops on the other side of the driveway, due to the topography and the land. There is a drain approximately 12-feet from her driveway and she has 10-feet of sidewalk. The drain was raised up, but it is 2-feet below the sidewalks. A tree buckled up the sidewalk and the two slabs are just laying there. We cannot remove the concrete slabs, as it is Ms. Mikolajczak's responsibility.

Mr. Wilkening asked if anything happens North of her property, is that drain and putting some kind of sidewalk back, will that be workable. Mr. Kubiak commented if we raised the drain up too much further, it is not going to do anything. If the people try to build on Cline Avenue, the topography is not good.

Ms. Mikolajczak asked if there were any updates from the last Plan Commission meeting. Mr. Kieपुरa asked has the foundation been removed. Ms. Mikolajczak responded in the negative. Mr. Kieपुरa asked has the owner of that property been fined. Mr. Austgen responded in the negative and we are gathering information right now. We have a recorded plat for this subdivision and we need to know the lay of the land and who owns what. There is some potential liability dependent upon how the property has been maintained and if improvements have been maintained. The information is being gathered and is not complete. Mr. Bunge and his team were asked to pull and locate the Town's file and the Lee Cove PUD. There may be some issues that are the result of inadequate engineering and/or consideration of improvements and how we reviewed and approved this subdivision.

Mr. Kieपुरa asked if a shed or any structure is removed, does the foundation need to be removed. Mr. Austgen commented not necessarily and the condition that is there today, is not what it was when it was

built and things have changed. Ms. Mikolajczak commented it is for the shed, trailers, conex boxes, car port.

Mr. Parker asked was the shed three times the permit fee when it was permitted. Mr. Kubiak commented he did the permit originally and did the three times the permit fee due to the shed being built on the property without a permit until I looked at the permit and the shed was put not on his property, so he did not have a violation on his property for a building being put on the property without a permit. Normally when somebody builds something on their property clear without a permit, the rule says you get three times the pre price of the permit. In this situation, the other property owner was fined for the structure being on the property and this gentleman obtained the shed from him and moved it to his property with the shed with a permit. Discussion ensued regarding permits and fines.

Mr. Wilkening asked are there any pending citations for land use. Mr. Kubiak commented the foundation was placed for the new shed on the property and I wasn't aware of the foundation issue.

Ms. Mikolajczak commented Code Enforcement has been by in the past, but items come and go on the neighbor's property. Mr. Parker commented the owner is storing items on his property for his business.

Ms. Mikolajczak commented there is a slab of concrete on the hill and the neighbor has a storage trailer where the conex box was and two construction trailers out there.

Ms. Mikolajczak asked my neighbor's downspout is in my backyard, is this a stormwater violation. It goes 12-feet on my property and comes out by my water well about two feet into the ground. Mr. Kubiak commented it should discharge 10-feet from his property. Discussion ensued regarding water flow and an easement between the homes. Mr. Kiepura stated it is not the Plan Commission's problem regarding the water.

Mr. Kubiak commented the stormwater easement is in the rear of the property and down the North property line asked where does the water go from your house on the North side of your property. Ms. Mikolajczak commented in the front of her house. Discussion ensued.

Mr. Parker commented this subdivision was poorly planned and executed and unfinished because of financial failure. All of this adds up to the finished product. At the Storm Board Meeting, all of the easements that we are acquiring in subdivisions that aren't very old, compared to all of the drainage problems we have in old subdivisions over the Town, is frustrating. Discussion ensued regarding permits.

Greg Parker commented at the round-about and the new building that is going, there is going to be commercial traffic in and out of that area with the way it was designed with hillside blocking the line of sight,

Greg Parker commented with the new building going up by the round-about and the traffic going through there, it is going to be very dangerous. The hillside will be blocking the line of sight. Mr. Oliphant commented it will be a right in and a right out only. Discussion ensued regarding the property in this area.

Mr. Robert Grosek, 14055 Deodor Street, commented Schilling gave us a drawing from Beacon Pointe 1 last year of what they were going to do, but I requested that there are five homeowners involved that we would like to see if they have any plans so we can take a look at them. Mr. Oliphant commented if there are any changes, we will let the homeowners know regarding the pond.

Mr. Grosek commented the intersection of 141<sup>st</sup> Street and Route 41 is getting really bad with traffic. Mr. Parker commented the Street Committee needs to have active meetings and pursue funding and get some of these streets addressed.

Ms. Cheryl Parker, 7227 W. 136th Court, commented she noticed some trees taken down along Morse Street and that was because of the water line from the lighthouse well is going up there and it was indicated it could not go on the outside of the fence because there are fiber optics buried under there. Who has the water plan and documentation. Mr. Oliphant commented we have construction plans. Mr. Bunge commented there are different phases and concept plans.

Ms. Parker asked are there going to be replacement of the trees. Mr. Oliphant responded in the affirmative. Discussion ensued regarding the trees coming down.

Ms. Parker asked if there was a Comprehensive Plan made for this project. Discussion ensued.

Ms. Mikolajczak commented she found the letter to the Town and it is dated November 27, 2023, and it says the neighbor's drain is going 12-feet into our yard and this letter was also given to the Board of Zoning Appeals, as well as, Plan Commission. She has been trying to deal with this issue.

Mr. Carnahan commented at the JMOB meeting, it was discovered that we have building inspectors that inspect buildings, and we have different establishments here in the Town that have grease traps in their businesses. Do we have anyone in Town that inspects the grease traps at the restaurants to make sure they do not go into the sewers and they get cleaned out. Mr. Kubiak commented we monitor manholes and we monitor downstream from restaurants. We have implemented and established a new protocol with new restaurants that have grease interceptors and traps and they have inspection manholes downstream from the grease traps. We have new standards and there is an inspection manhole. Some places need upgrades due to what they are doing now. Discussion ensued.

Mr. Carnahan asked do we have licensed contracted people that clean those out in Town. Mr. Kubiak commented everyone is in charge of their own. Mr. Austgen commented we can if we want to. In the Sewer Use Ordinance of the Town, maintenance of grease traps is described and it is the responsibility of the business owner, but if we want to add the discretion to do so, we could or the Town Council can adopt an amendment to the Sewer Use Ordinance.

**Adjournment:** Mr. Kieपुरa adjourned the meeting at 8:40 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 May 15, 2024.*