



CEDAR LAKE PLAN COMMISSION WORK SESSION MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
June 5, 2024 at 6:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Work Session to order on Wednesday, June 5, 2024, at 6:00 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; 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: Heather Dessauer, Secretary

Old Business:

1. 2023-22 Bank Shots Bar & Grill Preliminary Plat

Owner: Joe Lopez, 3205 Glenwood Dyer Road, Lynwood, IL 60411

Petitioner: Adam McAlpine, 398E 400N Valparaiso, IN 46383

Vicinity: 8120 Lakeshore Dr., Cedar Lake, IN 46303

Mr. Kiepura stated the first order of business is for a Petition requesting a Preliminary Plat for a bar and restaurant renovation project to include new parking lot, perimeter sidewalk, storm sewer system, and landscaping.

Mr. Oliphant commented we just received the final submittal packet last week and we haven't had a chance to review it yet. The plan has not changed much.

This matter is deferred to the July 3, 2024 work session.

2. 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 141st Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition for a Preliminary Plat for Lakeside South Unit 1.

Mr. Kiepura commented he thought they weren't ready. Mr. Huls commented we are requesting a deferral to next month's meeting.

Mr. Jack Huls, DVG, representing Schilling Development commented we started the Primary Plat hearings and then there were some outstanding issues.

Mr. Parker commented he had a request for having King Street open to help them with what they need.

Mr. Kubiak commented Armani is going through the punch list and it will turn over into Maintenance.

Mr. Oliphant stated this is the northern development and Schillings wants a second ingress and egress point to the West, but this is Armani and they have a 6-foot gap where they haven't finished King Street to their property line. Olthof and Schilling have offered to build it for them and Armani said "no." It is still in Performance and the streets are not the Town's yet.

Mr. Huls commented the Town has a statute and in order to final pay, 80% of the lots need to be built on and they have requested several times to have that waved, so that he could final pay King Street and then turn it over to the Town and he would finish the road at that point in time. Discussion ensued regarding finishing the road and the punch list.

Mr. Huls commented he had a concern of the traffic that will be increased on that road once it is finished, due to developments to this Town and this is an observation. He is under a three-year Maintenance fund, any damage that is done to that road is largely done by the construction traffic to the road to the South, he will be responsible for that and why would he want to open that up if the Town is going to hold him responsible for the maintenance of that road for three years after concrete trucks and fully loaded stone trucks, that is there for another subdivision to use his road.

Mr. Hunley asked how is the other punch list going on the other Beacon Pointe properties. Mr. Oliphant commented we do not have a problem with Schilling. The plan for the pond is under revision right now.

Mr. Huls commented we will be here in two weeks to request a deferral.

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 certified letters were submitted except for one and it will be mailed and was ran in the paper also.

Mr. Oliphant commented we completed a review and submitted a review letter on May 28, 2024. The comments were minor. We would like to see some easements on the property. Two of the three lots are already part of a platted subdivision and this is adding a third to it and a lot of the rights-of-way are dedicated.

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

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

Mr. Kiepura stated the next order of business is for a Petition requesting an address change to be assigned and voted in by the Board.

Mr. Paul Misch, 14201 Solfer Street, commented he acquired this property, which consists of four, 25-foot-wide lots on 142nd Avenue. The problem is that there isn't a legal address and it cannot be permitted. Unfortunately, the property to the East is 9023, the property adjacent to it is 9025. There are no odd numbers available. A legal address is needed for this property.

Mr. Kubiak commented on suggestions for an address to the property.

Mr. Wilkening asked if the address at 9023 gets changed, how do they get notified. Mr. Austgen stated Mr. Misch is going to make this one lot, so there will be a re-plat of three to one and it will include the street number. Mr. Misch commented there are people living in all the houses.

Mr. Misch commented if 9023 was left alone and we refer to them for postal purposes as Unit 1. Mr. Oliphant commented he isn't sure if this can be done. Discussion ensued.

Mr. Austgen commented the Plan Commission and the Postal Service would figure out the address for this property. More discussion ensued in length regarding figuring out an address.

Mr. Oliphant asked do we have the original recorded plat for this, and if there is, it would be from the 1950's or 1960's. Mr. Misch commented he has Title Work on the properties.

Mr. Wilkening commented if everyone agrees on 9021 for the address, then this should be the new address.

Mr. Oliphant commented the property was part ownership of each neighbor. Mr. Misch commented they were owned by the person at 9023.

Mr. Austgen commented this will not be ready for a public meeting in two weeks. Mr. Parker commented for Mr. Misch to come back to the next work session next month.

Update Items:

1. Cedar Lake Storage – Phase 2 Update

Mr. Nathan Vis, 12632 Wicker Avenue, on behalf of Cedar Lake Storage, commented as of April, we are under contract for excavation and asphalt services. We are trying to get on the schedule to get this done and we were informed that they are out a couple of weeks for the infrastructure for the drainage that is supposed to go in. We are tentatively scheduled at the end of this month for asphalt, whether or not this happens due to rain, we do not know. Their Line of Credit is good through October 31, 2024 and not July 1, 2024.

Mr. Oliphant commented there are private and public Letters of Credit. The big Line of Credit is private, which is Phase 2 and the small Line of Credit is the public for frontage improvements for sidewalks and small asphalt area. The \$7,000 Line of Credit dated July 1, 2024 will need to extend.

Mr. Carnahan commented we requested this to be done by June 15, 2024. Mr. Vis stated this is not feasible, because of all the rain we have had. The excavators have not been able to get out and do the trenching for the drainage that is going in.

Mr. Oliphant asked what are the drainage improvements. Mr. Vis commented they got some off of a couple of the building's installation and some drain tile. Mr. Oliphant commented they need to re-submit a plan, because there is no pipe in that site. Discussion ensued regarding the sheet flow and drainage.

Mr. Oliphant commented this is their second extension from their original agreement. Mr. Wilkening commented when this assurance was approved, and when it comes time to blacktop this, how do they move the equipment that is private property that is in the picture. Does the owner have permission to move items. Mr. Vis stated he does not know. Mr. Wilkening stated if there is nothing in the contract, and someone moves an item, then they are liable for that. Mr. Vis stated that is on them.

Mr. Austgen commented that Mr. Wilkening is talking about legal rights. The property owner may have contract language in the rental agreement with customers.

Mr. Vis commented he would like it to be no different than any other situation where, if the Town would need to pull on a Line of Credit and someone does have infrastructure still laying out there. The Town would have the authority to finish the job that involves moving items that are there.

Mr. Oliphant asked why are they requesting an extension if Site Services said they will be out there on June 24, 2024. Mr. Vis commented that is his recommendation in case there is a lot of rain. Site Services said that date, but the excavators may not be able to be there on that date to level off the back area that is gravel and clay.

Mr. Vis stated there will be channel drains put in between the buildings. Mr. Kubiak commented it looks like from the pictures, they are putting some downspouts in. Mr. Wilkening commented if that is the delay, they brought this on themselves.

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

Mr. Parker commented the extension is September. Mr. Oliphant commented this is why he said this is their second extension and based on what they submitted; this is a little long. Mr. Parker asked 30-days. Mr. Vis commented this would be July 15, 2024 with the holiday makes it tight. Discussion ensued regarding scheduling and rain. We are working together to try and get this done. Mr. Parker commented people come to these meetings and watch the meetings and they expect the rules to be followed.

Mr. Wilkening asked can they put pipe in the ground after the fact for downspouts or anything else. Mr. Oliphant commented that would need to be done first. There isn't anything in the improved Site Plan that would indicate that and there are no drain tiles in their Site Plan. If they really wanted to get it done, they could get it done.

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

Mr. Oliphant commented Mr. Slager at Schilling said everything was done for that except crack sealing.

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

Mr. Oliphant commented there will be a six-month extension prior to expiration date.

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

Mr. Oliphant commented we are waiting on a revised plan. Mr. Wilkening asked what was the old plan to make it deeper and bring the yards out, steeper banks. Mr. Oliphant commented it was to make the banks less steep, to make them more stable and that would fill in some ditch line, which they would have to re-excavate to the South to make up for it.

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

Mr. Oliphant commented he does not have any new news. The last punch list was updated in January 2024, and there are over 200 items on the punch list.

Mr. Carnahan asked who is in contact regarding these items. Mr. Oliphant commented we have contact with some of the construction people, but the construction is done.

Mr. Austgen stated it is a live surety. Mr. Wilkening asked how far in the future can we apply a deadline or we cannot. Mr. Austgen commented until they can ask for a removal from the deadline and the return of their portion of surety. Discussion ensued regarding trying to communicate with the corporate office and getting a meeting together.

7. Consider moving the Lighting Ordinance into Town Code.

Mr. Austgen commented this was a recommendation from Mr. Kubiak. Mr. Kubiak commented right now it is part of the Zoning Ordinance. The police cannot enforce any of the violations, and this will help with lighting at night to enforce the issues.

Mr. Oliphant asked doesn't this exist as a separate Ordinance. Mr. Austgen commented recently it was set aside. It was segregated as a separate set of regulations incorporating what is in the Subdivision Ordinance.

Mr. Wilkening asked if the police and the Building Department hand out violations. Mr. Austgen stated they can do it now, but they do not. Mr. Kubiak commented this is to try and help with complaints.

Mr. Austgen commented he is working on a draft of the Ordinance and it can be enforced by designated personnel.

Tabled:

2023-18 Bay Bridge

2023-19 Founders Creek

2023-20 Red Cedars

Public Comment:

Mr. Parker commented the last couple of meetings, tempers have flared and I want to apologize for my behavior. The Plan Commission has a lot of responsibility and there is a lot of effort to take a look at things. We need to have more patience with each other and stay as professional as we can.

Mr. Kiepura asked who initiates MS4 fines. Mr. Oliphant commented the initial recommendation comes from our firm after we do the inspection. We recommend a fine to the Building & Planning Department and it is up to them to enforce it.

Mr. Kiepura asked if the fine is not collected, is there a certain time period that it has to be collected. Mr. Oliphant commented he isn't aware of the Building Department's payment time line.

Mr. Kiepura commented some developers have a lot of fines that are unpaid and why should we approve something if they have fines.

Mr. Wilkening asked do we have a Not in Good Standing Policy for things like this. Mr. Austgen stated violation with MS4, includes the violation of your code and the violation of the approval process. If it is a subdivision plat or a PUD with a Development Plan within it, it is a violation of those approvals and those are the enforcement areas that we would look to for enforcement purposes.

Mr. Wilkening asked an MS4 violation can be a red tag, and it's done. Mr. Oliphant commented a MS4 violation is a violation of the Stormwater Ordinance. We can only recommend a fine and we will re-inspect in 10-days to re-assess the problem. Mr. Kubiak stated we give some time for the problem to be fixed, within reason. Discussion ensued in length of how the Town Manager handles the fines.

Mr. Kubiak commented when we give a red tag, that doesn't have a permit, they receive a "stop work order" and they have ten days to respond.

Mr. Nathan Vis, 12632 Wicker Avenue, commented my client, Cedar Lake Storage sent the Site Plan that was approved. The sheeting is across the main area that is on the asphalted and the original Site Plan calls for two trench drains in-between the building under the sheeting area. The back area is all sheeted, but this deals with in-between the building that was put up toward the North.

Mr. Vis commented there was discussion on the Summerwinds development. Mr. Richard Krusek, the Interim Board President of the HOA, is here with me this evening, and it is the understanding to possibly move this development to the Maintenance Bond phase. There are concerns that are being brought to the Town asking if we can meet with a couple of HOA representatives before we release anything. There are drainage concerns, unfinished capital items that need to be done, and retaining walls. We would like to meet with a couple of Town representatives to validate or verify if they need to be part of the release of any Performance Bond or Maintenance Bond. The HOA will compile a list for when we do meet.

Mr. Vis commented he has a few clients that have been hit hard with MS4. My clients have said they received a notice from the Town with a fine and a request to repair it, without a notification that this is happening and needing to fix it. Having dialogue with the developers first, instead of giving fines automatically would be helpful. Mr. Parker commented we should not generate revenue on fines.

Mr. Oliphant commented the main reason why there a fine, it's because they are repetitive issues. We understand rain events cause issues, but there are repetitive issues and if we feel that we are being ignored, there will be a fine. Discussion ensued regarding having a meeting regarding issues.

Mr. Richard Elipani, 14045 Deodor Street, commented Beacon Pointe East, Unit 1, has a culvert swamp behind his house. Mr. Slager told him this has to do with the design with what was approved and is supposed to be re-designed. This is supposed to be done at the end of July and has been going on since the Fall. Are the homeowners going to see this. Mr. Oliphant stated DVG is doing the revision to the plan and we reviewed it on behalf of the Town. Mr. Elipani asked if this isn't completed by July 30, 2024, nothing will go back to them. Mr. Wilkening commented that is plenty of assurance.

Ms. Cheryl Parker, 727 West 136th Court, commented Mr. Misch had discussions of changing the address and the sequential numbering. We have a situation on our subdivision and we have homes in the subdivision that do not follow the sequence. Mr. Oliphant commented this is a common problem in subdivisions.

Adjournment: Mr. Kiepura adjourned the meeting at 7:20 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 June 5, 2024