



**CEDAR LAKE PLAN COMMISSION WORK SESSION MEETING MINUTES**  
**CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA**  
**August 7, 2024 at 6:00 pm**

**Call To Order:**

Mr. Kiepura called the Plan Commission Work Session to order on Wednesday, August 7, 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:** Heather Dessauer; Secretary

**Members Present On-Site:** Chuck Becker; 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:** Greg Parker

**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 old 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. Joe Lopez, 3205 Glenwood Dyer Road, Lynwood, IL 60411, Adam McAlpine, 398E 400N Valparaiso, IN 46383, commented we received comments back from Mr. Oliphant and we are working through those items. The parking lot will be improved and we identified the amount of parking spaces that will be available. The access will be off of Foster Street and we identified no right turns out of the parking lot, and there will be signage up.

Mr. Oliphant commented we issued our original comment letter on June 18, 2024 and we received a re-submittal.

Mr. Wilkening asked what type of Variances are being looked at. Mr. McAlpine commented there is a setback requirement for the right-of-way and we are dedicating additional right-of-way for the parking lot, so a front building setback would be one example. There is minimum travel width for two-way traffic from the northeast corner of the building and the north property line, of those geometric there just isn't enough room for two

vehicles to travel at the same time. Some of the site constraints is what we would be asking the Variances for from the typical standards.

Mr. Wilkening asked what is needed. Mr. Oliphant commented the drive aisles are wider than typical parking lots. A one-way drive aisle is 15-feet and there's parking in the front yard mainly because there are two front yards on a corner lot.

Mr. Kubiak asked is there a Site Plan with the parking on there. Mr. Kiepura commented there are 23 spots shown.

Mr. Wilkening commented the Fire Chief and Police Chief have received the Plan.

Mr. McAlpine requested a deferral to the next Public Meeting, but to be at the next work session on September 4, 2024.

**2. 2024-05 StorSafe – Final Plat (make it legal lot of record) (Preliminary previously approved)/ Site Plan approval**

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 Site Plan approval with a development commitment contract and Final Plat approval.

Mr. Jack Huls, DVG, commented the Petitioner is on zoom and Attorney Westland is present. The Commitment has been prepared. We submitted a Board of Zoning Appeals Variance and there was feedback on how to proceed. The Commitment came from that and required a more in-depth engineering on the entire site. Mr. Oliphant has provided a review letter. We are proposing to do this in a series of phases. The Town would like to see that the gravel parking lot is removed from this site and it is a legal non-conforming use currently. We understand that storage facilities need to be on pavement.

Mr. Hunley asked what is the projected time to have the parking lot paved. Mr. Huls commented it would be done through the six phases. We are projecting every other year and we will be building a new building, but it has to do with market saturation. Discussion ensued.

Mr. Kiepura asked will there be trucks parking on the gravel area. Mr. Huls commented the current use would remain and in accordance to the Development Commitment or Zoning Commitment, there would be gradual reduction and those spaces when we build a building, the total number that is allowed there, would be reduced. The existing use is allowed, and if we do nothing, the trucks will be there forever. We understand what the Town would like to see and have a Development Plan that coincides with what the Town would like to see, but would also work with the timeline that the developer has to achieve that goal.

Mr. Austgen stated there is a need to consider that Zoning Commitment or Use Commitment presented offers a schedule of acclimatization or change of use and that is a completely negotiable instrument.

Mr. Wilkening commented the gravel is still there and these drawings have it there. How is the sheet flowing onto the road to the South and into the new pond. How is the sediment being dealt with right now. Mr. Huls commented we are not aware that it is. The current pond is there, but hydraulically is not needed. We will use the pond as a stormwater detention facility as it is now.

Mr. Wilkening asked once everything is black topped, the infrastructure has to be put in and has to get back out to the road. Mr. Oliphant commented it will be installed in Phase 1. Mr. Huls commented it will serve one-third of the property.

Mr. Wilkening asked how many Variances are going to be asked for on this property. Mr. Huls commented the commitment would be in agreement between this Board and the developer and that the Variances would no longer be needed. Mr. Oliphant commented some of the Variances would be screening and waiving the screening on the north property line, but the wooded portion. We have a residential property that is zoned commercial, and screening is not required there, but we would like to put it there.

Mr. Wilkening asked what is the zoning on the northside of this property. Mr. Huls commented it is residential.

Mr. Kieपुरa commented if it is residential and we waiver the buffer zone and the privacy fence, and in the future, if someone decides to develop it into residential, it is lacking screening. Discussion ensued regarding if part of the property is developed residential.

Mr. Wilkening commented 15 years is too long to complete and what if the property gets sold. Mr. Austgen stated it runs with the land.

Mr. Dave Westland, Attorney, commented what we tried to is recognize the desire and what is in the current Zoning Ordinance for paving. If we did nothing; then there would be gravel there and our client is interested in improvement. This is a phased development and we do not say when the phases are going to occur, other than the limit of 15 years. Discussion ensued.

Mr. Westland commented the Development Commitment that runs with the land, and if we sold it, to try and strike a balance. If the time should be less, that is the discussion we want to have. We don't believe we need a Variance for parking, especially if we have the Development Agreement.

Mr. Wilkening commented 15 years is too long and what assurance does the Town have to finish this whatever the time frame is. Mr. Austgen commented we haven't seen anything about assurance or performance. We talked about ways of securing the approval for the benefit of the Town and taxpayers and one of those ways was by a Planned Unit Development and being able to lock things in with a contract and assurity would be involved. This hasn't been discussed until now. The argument is that we would bring the Town into partnership with the developer about the number of years it would take to complete. Our Ordinances are not set up for those types of items, but the Development Commitment is a step towards that in the Code. Discussion ensued.

Mr. Jim Sayegh, Chief Development Officer, StorSafe of Cedar Lake LLC, 5301 Dempster St. Suite 300, Skokie, IL 60077, commented the reason why we are having this hearing is because of building the building at the front. If we didn't want to build the building at the front, we could proceed with the orderly development of continuing to build buildings at the back and the way our predecessor has and if we did that, the parking would go away faster. We feel there is a benefit to us and the project would be a benefit to the Town developing the front parcel. Discussion ensued regarding building the building at the front.

Mr. Sayegh commented it will take phases to develop the back area and it will be a conforming plan at every phase and how the parking becomes diminished. We are giving up income producing parking on the back of that site. We are relinquishing a grand-fathered right that we have, because we feel that it is more important to us, the project, the development and the community to build this building at the front. Discussion ensued regarding the building in the front.

Mr. Kiepura commented we did not say to build the building up front, but we are trying to get this project into the Ordinances of this Town. We care about the parking on the gravel, because it is not supposed to be like that and to bring back plans at the next meeting.

Discussion ensued regarding obtaining a Performance Bond for the project and the phases for the project.

Mr. Huls commented a Development Commitment would be something the Town would entertain versus seeking Variances for this project. Mr. Wilkening commented there is a lot that needs to be worked through.

Mr. Carnahan asked if the building is built in the front, would we benefit with TIF money. Mr. Austgen commented this parcel is in the TIF District.

Mr. Huls commented we would like to be back in two weeks, but it doesn't need to be voted on at that time, but we want to continue the conversation. Discussion ensued.

Mr. Sayegh commented the buildings will be conventional, climate-controlled storage. None of the buildings are 12,000 square feet, because in pre-fabricated metal construction, the only way you can non-sprinkler a building like this, is for them to be less than 12,000 square feet.

Mr. Wilkening asked will the facility be 99% indoor storage. Mr. Huls responded in the affirmative.

Discussion ensued regarding putting the climate-controlled storage wording in the Commitment.

Discussion ensued regarding what the time frame will be for the completion of the project.

Mr. Sayegh commented when the project is completed, there will not be vehicles parked on gravel on the non-illuminated lot. The grandfathered right to have that will end.

Mr. Westland commented in the direction that we are going, we requested to be in front of the Board of Zoning Appeals regarding a parking Variance, we aren't going to be seeking that. Mr. Oliphant commented screening and fencing would be a waiver from the Zoning Ordinance.

Mr. Austgen commented the Development Agreement needs work and not certain what the language will end up being. At the Board of Zoning Appeals meeting, ask for a deferral. Discussion ensued.

### **3. 2024-12 Hanover Central High School – Site and Concept Plan for Synthetic Turf Fields**

Owner: Hanover Central High School, 10120 W. 133<sup>rd</sup> Ave., Cedar Lake, IN 46303

Petitioner: Aaron Reynolds/Aaron Hurt, 530 E. Ohio Street, Suite G, Indianapolis, IN 46204

Vicinity: 10120 W. 133<sup>rd</sup>. Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of old business is for a Petition requesting to put in synthetic turf for the Hanover Central High School fields.

Mr. Paul (inaudible), Ms. Mary McCullin, Superintendent of Hanover Schools, 14525 Wicker Ave., Cedar Lake, IN, Aaron Reynolds, 530 E. Ohio Street, Suite G, Indianapolis, IN 46204, is on zoom.

Mr. Reynolds commented we would like to put in synthetic turf on the existing baseball and softball fields on the High School campus. We have submitted the plans and we have had conversations with Mr. Oliphant in regards to the drainage. We understand there are some previous construction issues that the Plan Commission has brought forth with the school. We are willing to assist in resolving those issues, but we need

a complete understanding. The biggest thing that impacts the Town is the drainage impact that this would have. Mr. Oliphant provided an example of what he has seen in a similar scenario with a field. We propose an underground detention system, which would be an additional layer of stone and void space acting as the detention system under both fields. We received Mr. Oliphant's letter and we do not see anything problematic in addressing the concerns from the engineering perspective in reviewing the drainage and how detention will be addressed.

Mr. Oliphant commented we issued our comment letter and the comments are minor. We gave them a template of what we have seen prior retrofits that have been done throughout the County.

Mr. Hunley asked are there plans for the soccer field to be done also. Ms. McCullin responded in the negative.

Mr. Kubiak commented we just want to make sure what it is draining into will function properly. Discussion ensued regarding the drainage.

Mr. Wilkening asked is the field going to be excavated deeper. Mr. Oliphant responded in the affirmative and will be similar to the football field and how it was retrofitted. The perimeter drains of what we call typical section of turf over aggregate the aggregate will make up from taking it from grass to the impervious surface. This is how we get away with rate control to keep everything the same.

Mr. Kiepura asked about the as-builts. Mr. Oliphant commented we have the first submittals for the high school, middle and elementary schools. They have our comment letters.

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

### **New Business:**

#### **1. 2024-15 Christopher Wornhoff – Concept Plan for 2 story building in MZ Zoning.**

Owner: Christopher Wornhoff, 10708 W. 133<sup>rd</sup> Avenue, Cedar Lake, IN 46303

Petitioner: Nathan Vis, 12632 Wicker, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of new business is for a Petition requesting a 2-story building in a MZ Zoning District where the 2<sup>nd</sup> floor would be utilized as a dance studio.

Mr. Nathan Vis, Vis Law, 12632 Wicker, Cedar Lake, IN 46303, and Mr. Michael B. (inaudible), owner of M & L's Adventure LLC, commented who is under contract to tentatively to purchase this property. The property is approximately 1.5 acres and it is kiddie corner from the small grocery store in Town. My client is proposing to build a two-story building and the first floor will have offices, as well as, an anticipated restaurant and drive-thru space and the second floor would be a dance studio and the approximate square footage for each floor is 8,000 square feet. We hired an architect and they have done some preliminary drawings and Torenga Engineering has done a site survey. We have engaged Soil Solutions for preliminary wetland study and we wanted to bring it up to the Plan Commission before we go any further. The Zoning Code and proposed use, with the 8,000 square feet on the second floor, is how do we determine those parking spaces. The dance studio is not in the Zoning Code. A trade school or private school is the best mechanism and based upon the drawings, we would need 96 parking spaces, which we can fit on the site.

Mr. Vis commented the second item is there is an existing storage building that is on site already. We would like to keep the building there. The proposed built-out is \$2.5 to 3 million and it would be located within the TIF District in the Town. It would take an unused lot that has had little use since inception next to a rail road

track. We understand there is a moratorium at the moment, and we are awaiting an answer from the Town if this lot can be implicated by that. My clients are running a successful dance studio in Town and they are looking to double the size in this location.

Mr. Kiepura commented to answer the question on the moratorium, he did not know. Mr. Austgen commented there is a resolution of moratorium declaration and this part probably is located within it, but that does not mean that it is perpetual and does not mean it is not (inaudible). Mr. Vis asked if this falls under the moratorium, is there a process outlined of a Variance before this Board or a Variance before the Board of Zoning Appeals to have a variation to the Ordinance to allow building on this site to occur. Mr. Austgen commented potentially. This is a commercial development parcel and there were exceptions in that. The moratorium was marketed for high density residential. Mr. Vis asked who do we get this information from to make the determination. Mr. Austgen commented the Town Manager is here and he can help answer the questions.

Mr. Vis commented on the backside of the property, the existing owner has a storage shed and we would like to keep it as part of the parcel and have an ingress and egress from a parking lot that they can continue to use it. What could be the set-up for this, possibly a Variance needed in our application process. Can both buildings be on there and collect both of their value from a property tax perspective, as well as, their usefulness value. Mr. Oliphant commented there would be an ingress and egress. Discussion ensued regarding the property that is vacant in the back and how the shed would be used for storage.

Mr. Hunley asked if there would be dance competitions on site. Mr. B. (inaudible) responded in the negative.

Mr. Vis asked how to we determine a dance studio parking situation. The Code does not include a dance studio. The majority of the kids are being dropped off and this is the same as a training or trade school and 42 parking spots would be needed for the square footage upstairs.

Mr. Oliphant commented the use for the site needs to be classified of what is in the Zoning Ordinance.

Mr. B. (inaudible) commented his understanding with the Code for a drive-thru, fast-food place is one parking spot for every 15 square feet. We would like as much parking as we can get.

Mr. Wilkening commented the existing frame barn is being used from the South and that will be part of this property. Mr. B. (inaudible) commented he would need access to get to that property. Discussion ensued.

Mr. Vis commented the zoning of this parcel and we are carving it out of an existing one, which is MZ. We cannot find where, how or when in our history of the Town that we designated this MZ, which means multiple uses, but we cannot find the Ordinance that says what is there. Mr. Oliphant commented it is B2, R2 and it becomes multi-zoned is when the parcel owner takes two plots of land to the County and combines them and they are two different zoning. The Building Department has to go back to the original zoning book and find it.

Mr. Vis commented when we determine the zoning and when we get to that point, we will have to take a look at what the setback requirements are going to be. We have a rectangular piece with a side that has a commercial building on the side and this is created from lot lines created from the railway over a century ago.

Mr. Wilkening commented so many square feet to a building is only going to allow the fire marshals to allow only so many feet. If a plan of the building is submitted to the Fire Marshal, wouldn't he be able to give it an occupancy. Discussion ensued regarding parking and 33 parking spots would probably be needed for the site.

Mr. Vis commented there are potential wetlands in the back and the number of parking spaces that we can fit on site, depends on wetland lineation is going to say. What interpretation of the Code is the Town is going to give us.

Mr. Wilkening asked does it show up as wetlands, because the water back there is designed to take care of a problem before 133<sup>rd</sup> Street was done. Mr. Oliphant commented it does not and is based off the wetland inventory. Discussion ensued.

Mr. Carnahan asked is the building 69-feet by 110-feet. Mr. B. (inaudible) commented as proposed it is 65-feet. Discussion ensued regarding if the building is maxed out in size, then the plan may have to be revised.

**Update Item – Cedar Lake Storage – Phase 2 Update  
Nathan Vis, 12632 Wicker Avenue, Cedar Lake, IN 46303**

Mr. Nathan Vis, Vis Law, 12632 Wicker, Cedar Lake, IN 46303, commented we were waiting for the drains to be delivered. The company is in the process on finishing them and they should be delivered soon. Discussion ensued regarding the delay.

Mr. Wilkening asked what is special about these drains.

Mr. Chris Porter, 405 North Lafayette Street, Griffith, Indiana, commented they are a 15-inch trench drain and it is a pipe with a slot on top of it and a riser that comes up with a metal grate. There will be concrete on each riser for support and then asphalt throughout. It will be 180-feet of trench drain.

Mr. Kiepura commented the deadline is August 21, 2024 to get this done; otherwise, the vehicles will have to be moved off of the gravel. Mr. Porter commented we are doing everything we can. Discussion ensued.

Discussion ensued when the project will be completed.

**2. 2024-13 Danny Starcevich – Concept Plan for a 2-lot subdivision**

Owner/Petitioner: Danny Starcevich, 8601 W. 141<sup>st</sup> Lane, Cedar Lake, IN 46303

Vicinity: 8601 W. 141<sup>st</sup> Lane, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of new business is for a Petition requesting to subdivide lot structure from five separate lots into a 2-lot subdivision.

Mr. Danny Starcevich, 8601 W. 141<sup>st</sup> Lane, Cedar Lake, IN 46303, commented we want to turn our five lots into two lots and desired property lines are laid out. Our intention is to keep our house on the North lot and on the southside, the garage would be torn down and we would build a new structure on that lot. Lot 2 is 10,723 square feet and Lot 1 is 8,610 square feet. The house would need a couple of Variances.

Mr. Oliphant commented several Variances will be required. The existing building will not meet rear yard setbacks or front yard setbacks. It is legal non-conforming, but we need to go through all of that. Plat approvals would be contingent on Board of Zoning Appeals approvals.

Mr. Wilkening asked is Lot 9 owned by Mr. Starcevich. Mr. Starcevich responded in the affirmative. Mr. Wilkening commented the West boundary of the proposed lot could be moved West if split up. Mr. Starcevich commented we want to take Lot 9 to the North right past the garage.

Mr. Kiepura asked what is the plan for the existing house. Mr. Starcevich commented they will rent it out. We would put a garage to the West in the future. Mr. Kiepura commented if there's 8,000 square feet, you have to look at coverage to. Mr. Starcevich asked do we need a garage. Mr. Kubiak commented a garage is needed with a new home. Mr. Bunge commented by subdividing the lots, it is creating a nonconforming condition. Mr. Kubiak commented it will have to be part of the approvals with the Variances.

Mr. Wilkening asked if the new house will be in the center of Lot 3. Mr. Starcevich commented it would be Lot 2. Mr. Oliphant commented the hurdles are at the Board of Zoning Appeals. They are splitting the parcels up and they need to be re-subdivided.

Mr. Oliphant commented would the Town rather have two non-conforming lots that are around 9,000 square feet or one conforming and one non-conforming smaller lot. If it is non-conforming, would it be made equal. Mr. Kubiak commented there will be plenty of empty space. Discussion ensued.

Mr. Kubiak commented a footprint is needed and bring it to the Building Department.

### **3. 2024-14 Neil Poplon – Concept Plan for a 1 lot subdivision**

Owner/Petitioner: Neil Poplon, 9204 W. 143<sup>rd</sup> Avenue, Cedar Lake, IN 46303

Vicinity: 9212 W. 143<sup>rd</sup> Place, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of new business is for a Petition requesting a one-lot subdivision.

Mr. Jack Huls, DVG, Inc., representing Neil Poplon, commented this is a separate tax id number parcel and it is an unrecorded area and undeveloped parcel and we would like to create a one-lot subdivision. This is a 41,000 square foot parcel. It conforms to the Zoning Code with the size and we want to build a single structure on the property. This parcel will be on a well and we are seeking the standard waivers that are granted for a one-lot subdivision. It would be the requirements for detention and sidewalks. We would like to be back in September for the Primary Plat and back in October for the Final Plat.

Mr. Kubiak asked what was decided on the sewer. Mr. Huls commented the parcel immediately to the East has ownership up to 142<sup>nd</sup> Place and they have a long service line that runs through there. We would like to have a utility easement platted on the adjacent property owner and run a service parallel to that person's service and over to this one. There isn't a sanitary sewer in the area.

Mr. Huls commented this would be a private easement between the property owners for a sanitary sewer service and should the Town be included on this; in case the Town would need access to it. Mr. Kubiak responded in the affirmative.

Mr. Huls commented the house is there and is to the East has the same length of run and they have sewer there.

Mr. Poplon commented there are two structures on this parcel and they will remain.

Mr. Wilkening asked what caveat is there with this accessory building. Mr. Kubiak commented with the lot size, it should be good.

Discussion ensued regarding the sewer service.

Mr. Huls commented they will be back for the next work session for the Primary Plat.



**Update Items:**

1. Birchwood, Phase 4 – Performance Letter of Credit expires December 5, 2024

Mr. Oliphant commented this will be on the agenda in two weeks to rotate into Maintenance.

2. Centennial Estates, Phase 1 – Maintenance Letter of Credit expires September 5, 2024

Mr. Oliphant commented this was in error and can come off.

3. Centennial Estates, Phase 2 – Maintenance Letter of Credit expires September 5, 2024

Mr. Oliphant commented this will be on the next agenda in two weeks for rotation into Maintenance.

4. Centennial, Phase 15 – Maintenance Letter of Credit expires September 5, 2024

Mr. Oliphant commented this will rotate out of Maintenance next month.

5. Centennial Villas, Phase 1 – Maintenance Letter of Credit expires September 5, 2024

Mr. Oliphant commented this is already in Maintenance.

6. Centennial Villas, Phase 2 – Performance Letter of Credit expires September 5, 2024

Mr. Oliphant commented they final paved this and will be on the next agenda to rotate into Maintenance.

Mr. Huls commented Beacon East, Phase 1, the South pond has been an item of discussion over the last couple of months. We developed a plan that we have vetted with the Town and we have met with several of the property owners that were in question. There are five lots that lie on the northside, which are 17, 18, 19, 20 and 21 and we worked with the property owners along with the owner on Lot 22. There is a wet area of the pond that turns into a ditch and then it goes through the 42-inch culvert pipes, which goes into a dry area of the pond and it discharges into the Sleepy Hollow ditch. In the area behind those lots, the ditch area, the side slopes into the ditch and is steep. There is a maintenance concern and there was a desire of some of that area to be more open water. We are proposing that the first three lots are a little wider and the side slope would be changed from 3 to 1 to 5 to 1 and it would be a gentler slope. We will expand the pinch point from the open water to the ditch and open that up and it will be connected to the main ditch all the way to the culvert. The last two property owners did not want to see the open water go away. Discussion ensued.

Mr. Wilkening asked how far South are the culverts under the road is the water going to stop. Mr. Huls stated at the culverts. Discussion ensued.

Mr. Huls commented there is a Maintenance Plan for the south pond because it is open water and that is going to be continued. The HOA is aware of this.

Mr. Bob Grosek, 14055 Deodor Street, commented he talked with the other homeowners and they are good with the plan that is proposed.

## 7. Update for Lighting Ordinance into Town Code

Mr. Austgen commented he drafted and provided a Resolution to the Plan Commission to recommend an inclusion of a public hearing of lighting regulations amendments that are proposed for the Town's zoning and town code provision. Those lighting regulation amendments are for enforcement and of validate and to continue the existing lighting regulations themselves, but expands the enforcement into a designated employee or official of the Town designated by the Town Manager or Town Council. The objective for the amendment was greater enforcement and ability of staff, but not a specific staff person, can enforce the Town's Zoning Ordinance.

Mr. Wilkening asked about the 50% luminaires. Mr. Austgen commented that is from Ordinance 1402 and was taken verbatim. Standards were not changed and the directions included amendment of specs or details. Mr. Wilkening commented it only takes one fixture to cause a problem. Discussion ensued regarding changing lighting and non-compliant fixtures.

### **Public Comment:**

Mr. Terry Broadhurst, 14513 Morse Street, commented he doesn't have a problem with the development of the Poplon one-lot subdivision. His concern was the waste line and would they need to tap and do they have to pay. Mr. Kubiak commented they are doing a separate line and to the main line.

Mr. Broadhurst commented CL Storage drain pipe is holding the project up. They keep skirting the rules. The Attorney once mentioned when a Variance is given, you cannot take it back. Discussion ensued regarding parking on the gravel and enforcing the rules.

Discussion ensued regarding he would have never been granted an extension as he sits in these meetings hearing of rule breaking.

Mr. Broadhurst commented he is not against the Storsafe project as it would bring in tax dollars. Variances are being discussed behind closed doors and are going to come back in agreement together. There is no public weigh-in on this and there are rules in place and they only apply to certain people in Town.

Mr. Jack Huls, DVG, representing Schilling Development, commented Lakeside South is not on the agenda and was asked to be deferred, but not withdrawn. He wanted to make sure this Petition is not withdrawn, but wanting a deferral.

Mr. Austgen commented he prepares a lot of documents; legal instruments and he makes no decisions and sends the documents to the Town Manager. The Town Council makes decisions and this practice has been in place for a long time.

Mr. Huls stated that the Agreement for Storsafe was submitted with the Site Plan Approval and is a matter of public record and there is nothing being handled behind closed doors.

Mr. Terry Broadhurst, 14513 Morse, commented he didn't say that Mr. Austgen enforces documents and gets paid to do so. When does the public get to weigh in on the Agreement. Mr. Austgen commented a public hearing and a public meeting are different. Discussion ensued regarding when the public can speak on an agreement for Storsafe. Discussion ensued regarding due dates, timelines for when agendas and when documents are due before a meeting.

Plan Commission  
August 7, 2024

Mr. Huls commented it seems that it has become practice for the public hearing portion at the end of the meeting to be a point at which public comment is made about petitions that were previously addressed and that is borderline unfair to the Petitioner, because he is not in the room to make any representation or respond to anything that is said. It could be perceived that what was said at public hearing without him here is influencing your decisions and that is illegal and not appropriate to not allow the Petitioner who has as many rights as a Remonstrator to be unable to respond to those things. If this can be taken under consideration because these items are all available publicly online and that record is there and the Petitioners have the information available to use as they might want to.

**Adjournment:** Mr. Kiepura adjourned the meeting at 8:44 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 August 7, 2024*