



CEDAR LAKE PLAN COMMISSION PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
September 18, 2024 at 7:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Public Meeting to order on Wednesday, September 18, 2024, at 7:00 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; 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; Tim Kubiak, Director of Operations; and Cheryl Hajduk, Recording Secretary.

Absent: Jeff Bunge, Town Manager

Minutes:

Plan Commission Work Session, July 3, 2024

A motion was made by Mr. Parker and seconded by Mr. Wilkening to approve the Plan Commission Public, July 3, 2024 minutes. Motion unanimously passed 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

Old Business:

1. 2023-02 – Monastery Woods – 1-year Extension of Preliminary Plat

Owner: New Century Development, 2036 West 81st Avenue, Suite B, Merrillville, IN 46410

Petitioner: Olthof Homes, 8051 Wicker Avenue, St. John, IN 46373

Vicinity: 9727 West 129th Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the first order of old business is for a Petition requesting a one-year extension of the Primary Plat for Monastery Woods North.

Mr. Kevin Paszko, Olthof Homes, 8051 Wicker Avenue, St. John, IN, commented we are seeking a one-year extension of the Primary Plat for Monastery Woods, Phase 3. This would be for 87 units and the remaining portion would be completed on the northside. This was approved at the September 20, 2023 meeting and we planned on starting the project this year, but due to the moratorium, it has been put on hold.

A motion was made by Ms. Dessauer and seconded by Mr. Wilkening to approve the one-year extension of the Primary Plat for Monastery Woods North. Motion unanimously passed 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

A motion was made by Mr. Parker and seconded by Mr. Wilkening to amend the agenda to add Lakeside Subdivision. Motion unanimously passed 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

Mr. Jack Huls, DVG, Inc., representing Lakeside South for the Primary Plat. We would be happy to come back next month to continue discussions about water concerns.

A motion was made by Mr. Wilkening and seconded by Ms. Dessauer to defer Lakeside South for 90-days for an extension of a Public Hearing. Motion unanimously passed 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. 2024-05 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 Developmental Commitment Contract and Final Plat approval.

Mr. Jim Sayegh, StorSafe of Cedar Lake LLC, 5301 Dempster St. Suite 300, Skokie, IL 60077, commented Mr. Westland and Mr. Austgen have been working on the redlines of the Development Commitment. The fine needs to be decided going past ten years and not the 15-years. Discussion ensued regarding the Notice of Intent, IDEM and that Storsafe will not need to draw any water.

Mr. Sayegh asked what direction in terms of things that Mr. Austgen isn't comfortable negotiating on your behalf.

Mr. Austgen commented he has been working on the redlines. Mr. Kiepura commented we need to decide what the fine will be.

Mr. Sayegh asked is there anything that isn't agreed with. Mr. Dave Westland, 2929 Carlton Drive, Hammond, IN, commented we incorporated every one of Mr. Austgen's changes. This document has been revised a few times. Discussion ensued regarding wording in the document.

Mr. Wilkening commented the fine should be \$5,000 a day if not completed in ten years and shall be enforced by the Town. Since there is residential property next door, should not be 300-feet, but it should be adjacent unless the residential property changes. There is a 22,000 plus square foot building, is this going to be sprinkled. Mr. Kiepura responded in the negative. Mr. Wilkening asked is there a 16,000 square-foot building. Mr. Sayegh commented there is a one-time exception with a firewall up to 24,000 square feet with no section of the building can be larger than 12,000 square feet. Both sections have to be less than 12,000 square feet, it would be a one-time exception per building.

Mr. Wilkening asked is this conditioned space. Mr. Sayegh responded in the affirmative and the term for the industry is climate-controlled.

Mr. Sayegh commented if we cannot get the IDEM Notice of Intent, then the Agreement is null and void, because it wasn't for what we can follow through on the Agreement, it would be to address the concerns that the Town has.

Mr. Kubiak commented the Performance Bond is what needs to be done and it will be kept active until it can be turned over into a Maintenance Bond. The performance factor of it is up to the developer to apply for the Notice of Intent and have it taken care of. Mr. Sayegh commented that gets covered at issuance of building permit and the negotiations between Christopher B. Burke and DVG. The issue we are trying to address on your behalf, and what is our obligation to put the public infrastructure in and that isn't a problem. What happens if factors are outside of this development, which are between the Town and IDEM, we cannot get the Notice of Intent, what protections does the Town have that it couldn't deliver its end of the bargain. This is before what Mr. Kubiak talked about.

Mr. Huls commented there is a concern that the Agreement will be null and void if you cannot get a permit. An alternative to that is to release the bond and that work is not required. The Town wants it to be performed and if it cannot be, the Agreement stays in place.

Mr. Carnahan asked what if we hold it until they approve it. Mr. Huls commented that is most likely and we cannot see IDEM not wanting a 12-inch trunk line water main along US 41 to provide looping in the system. The Performance Bond will be held until such time it is permitted.

Mr. Wilkening commented our job is for the citizens and if there needs to be an expiration date to make it null and void, that is fine.

Mr. Oliphant commented when an NOI is applied for, it will be approved, but a date cannot be given right now. Most developers post Letters of Credit for a year expiration, come back, reduce them or it will go into Maintenance. We have a Letter of Credit value determined if Storsafe wants to go that direction.

Mr. Huls commented the Letter of Credit can be tied to the Final Plat approval and the Development Agreement would be tied to the Site Plan approval, which there might be an amount for the fine that needs to be addressed and some assurance the language is in place. Discussion ensued regarding getting a vote at this meeting and the other steps involved after the vote.

Mr. Kiepura asked are we trying to put in language into the Commitment. Mr. Sayegh commented we do not want to put Mr. Austgen in a position that there needs to be Plan Commission direction and vice versa. We do not want to leave an open issue that we cannot get done.

Mr. Kiepura asked do we need language in about IDEM. Mr. Austgen commented we do not know until we have the meeting with IDEM. Mr. Oliphant commented the water main extension is not going to come up in the IDEM meeting.

Mr. Austgen stated the details that Cedar Lake is in, is an unknown position about how these utilities are working and permitting as applied. What they told us on August 8, 2024, and we do not have substantive answers as we are here now. We are trying to find a way with this development and commercial activity so that it can continue to occur. We do not know the answer right now.

Ms. Dessauer commented a Special Public Meeting can be held in two weeks.

Mr. Oliphant commented we issued another letter and the Plat is good to go and there are minor issues with lighting and a couple of minor comments engineering wise.

A motion was made by Ms. Dessauer and seconded by Mr. Wilkening to defer this Site Plan and Final Plat for a Special Meeting after the regularly scheduled work session on October 2, 2024. Motion passed by roll-call vote, 4 – Ayes, to 3 - Nays

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

3. 2024-14 Neil Poplon Primary Plat

Owner/Petitioner: Neil Poplon, 9204 w. 143rd Avenue, Cedar Lake, IN 46303

Vicinity: 9212 W. 143rd Place, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting a one lot subdivision. Mr. Austgen advised legals are in order.

Mr. Jack Huls, DVG, Inc., representing the Petitioner, commented we would like to request a Public Hearing on this Primary Plat application for a one-lot subdivision. This is a metes and bounds parcel and we would like to build a house that exceeds the size required by the zoning to do a one-lot subdivision and talk about an easement for sanitary sewer that's shown on the Primary Plat.

Mr. Oliphant commented there is a letter dated today and there are two contingencies, which are typical engineering waivers. One of which is park dedication, tree placement, storm water detention, frontage

improvements and sidewalks. It is also contingent on a utility easement extending North of this parcel to 142nd Place to tap into the main and that be a recorded document that CBBEL gets a copy.

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

A motion was made by Mr. Wilkening and seconded by Mr. Hunley to approve the Petitioner's request for a one-lot subdivision and referencing CBBEL's letter of September 18, 2024. Motion unanimously passed 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. 2024-16 V&L Plumbing, Inc. – Site Plan

Owner/Petitioner: V&L Plumbing, Inc., 9621 N. Industrial Dr., St. John, IN 46373

Vicinity: 13791 Alexander Street, Railside, Lot 23, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a Petition requesting a Site Plan for a new business in Railside, Lot 23.

Mr. Jack Huls, DVG, Inc., representing the Petitioner, commented V & L purchased Lot 23 in Railside and has submitted a Site Plan for consideration.

Mr. Oliphant commented we issued a letter on September 13, 2024 and another letter from today, September 18, 2024. We have a few comments, but it is ready.

Mr. Wilkening asked is Nipsco working to vacate the easement, is there a dedicated area for utilities. Mr. Oliphant commented this is an old easement associated with the old property. Nipsco made them record an easement to run electrical service from 141st Street and up. It is still in existence and it runs through this lot, as well as, other lots. It was meant to be vacated. Discussion ensued regarding requests to vacate the old easement.

Mr. Huls commented we do not want to vacate the entire document, because it is being released after the Plat, then the easement that was recorded on the Plat would also go away and we do not want to do that. We have a separate document that covers Lot 23 and 22, which are the two lots that are affected. We have given Nipsco this document.

Mr. Wilkening commented it is stated that the facility is now located 15-feet from a proposed storm inlet. Mr. Oliphant commented it got shifted.

Mr. Kubiak asked are the comex boxes ok being there. We have an Ordinance that does not allow comex boxes. Mr. Oliphant stated the Planned Unit Development needs to be looked at.

A motion was made by Mr. Parker and seconded by Mr. Wilkening to approve the Site Plan contingent on CBBEL's letter dated September 18, 2024 and contingent on clearing the comex boxes in the PUD Agreement. Motion unanimously passed 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

5. Request of Waiver - Oak Brook, Phase 1 and Beacon Pointe, Unit 5 (West)

Owner: Cedar Lake 133, LLC, P.O. Box 677, St. John, IN 46373
Petitioner: Schilling Development, P.O. Box 677, St. John, IN 46373
Vicinity: Oak Brook, Phase 1 and Beacon Pointe, Unit 5 (West)
Representative: Jack Huls, DVG

Mr. Kiepura stated the next order of business is for a Petition requesting a waiver from the Development Standards to place surface asphalt before 80% occupancy has been reached in both Oak Brook, Phase 1 and Beacon Pointe, Unit 5 (West).

Mr. Jack Huls, DVG, Inc., representing the Petitioner on the Oakbrook Phase 1 Project. All, but one house, which is a corner house, which is under roof has all of the flat work done and that was a concern from the Board. The Ordinance states that 80% needs to have their Certificate of Occupancy before the surface coat of asphalt and we are asking for a waiver of that, so we can put the surface coat down on the subdivision, prior to the winter months. We would like to get a good wearing surface to be able to have proper drainage on that road for the winter time.

Mr. Kiepura asked are all of the lots built out. Mr. Huls responded in the affirmative.

Mr. Oliphant commented there are a few punch list items to work infrastructure wise and this will not be rotating into Maintenance. It will remain in Performance for a couple more months.

Mr. Huls commented the surface coat of asphalt and punch list items of fixing cracks are usually the things that keep us in Performance Bond.

A motion was made by Mr. Parker and seconded by Mr. Hunley to approve a waiver from the Development Standards to place surface asphalt before 80% occupancy has been reached in Oak Brook, Phase 1. Motion unanimously passed 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. Request of Waiver - Oak Brook, Phase 1 and Beacon Pointe, Unit 5 (West)

Owner: Cedar Lake 133, LLC, P.O. Box 677, St. John, IN 46373
Petitioner: Schilling Development, P.O. Box 677, St. John, IN 46373
Vicinity: Oak Brook, Phase 1 and Beacon Pointe, Unit 5 (West)
Representative: Jack Huls, DVG

Mr. Kiepura stated the next order of business is for a Petition requesting a waiver from the Development Standards to place surface asphalt before 80% occupancy has been reached in both Oak Brook, Phase 1 and Beacon Pointe, Unit 5 (West).

Mr. Jack Huls, DVG, Inc., representing the Petitioner, commented this Petition is similar to the previous one and it is largely built out. We asking for the same request to be allowed to put the final coat of asphalt down. We understand there are some punch list items that are outstanding. We can probably turn this into Maintenance at the end of the year.

Mr. Oliphant commented this one is in the lower 70% occupied. If everything gets done prior to the 80%, it stays in Maintenance until they get to 80%.

A motion was made by Mr. Wilkening and seconded by Mr. Becker to approve a waiver from the Development Standards to place surface asphalt before 80% occupancy has been reached in Beacon Pointe, Unit 5 (West) and it be held in Performance until they have 80% occupancy. Motion unanimously passed 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

Mr. Kiepura commented he received pictures of the finished asphalt. Mr. Kubiak commented it looks good and the only outstanding item is the public sidewalk in the front of the property.

Mr. Oliphant commented as long as items are addressed, the Letter of Credit can be allowed to expire on October 20, 2024 with no maintenance necessary.

2. Rose Garden Estates, Unit 1 – PLOC expires October 11, 2024 - \$6,067,696.25

Mr. Oliphant commented more leg work needs to be done if they are going to extend. They are aware of their Letters of Credit that are outstanding and they are working on them. Mr. Tom McSharry will be at the October 2, 2024 meeting and he will also be meeting with one of our inspectors. A pull date can be set and Lennar can extend it at the Public Meeting.

A motion was made by Mr. Wilkening and seconded by Mr. Parker to pull on the Performance Letter of Credit for Rose Garden Estates, Unit 1 on October 4, 2024. Motion unanimously passed 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

Mr. Oliphant showed pictures of the Beacon East Pond and discussed the progress.

3. Cedar Lake Storage – PLOC expires October 20, 2024 - \$113,181.48.

Mr. Oliphant commented we are going to let this expire.

Mr. Kubiak commented we received the permit for 141st storage next to Rose Garden and the two front buildings are proposed to be rental office spaces versus storage. Mr. Oliphant commented it is a co-working space, which is daily renting.

Mr. Kubiak commented the two front units are office spaces.

Mr. Jack Huls commented DVG did that project, but maybe we should look at the minutes of the meetings of what was presented. Discussion ensued in length regarding what the use was going to be used for.

Mr. Kubiak stated we issued the permits for the rear three buildings and the front two buildings are still here and not released, because we had questions.

Tabled:

2023-18 Bay Bridge
2023-19 Founders Creek
2023-20 Red Cedars

Public Comment:

Ms. Angie Mikolajczak, 12806 Lee Court, commented she thanked the Board and the Town for resolving the drain and sidewalk issue in her front yard. She did some work on the side of the house, including landscaping, and the direct neighbor had installed sprinklers running along the southside of the property line and in the easement to the sidewalk and to the street. Can sprinklers be put on the easement. She did a records request and the survey would help for the landscaping. The requests request showed that no permits are needed for the sprinkler system. The permit application for the shed and the proposed shed survey appears that something may have been overlooked. The permit shows that the shed was 24 by 12 and on the survey, it showed 20 by 12, and showed a drainage easement on the neighbor's property. The shed is in the drainage easement and the utility easement. On May 19, 2024 at the Plan Commission hearing, we had asked if there were any Board of Zoning Appeals needed on the shed and it was told it met all of the setbacks and requirements. In doing the math, it is 30% lot coverage and she was never notified as an adjacent property owner to be able to voice concerns on that.

Ms. Angie Mikolajczak commented in June there were services going on 300-feet from my home that was the next house of exterior painting, deck construction and employees going in and out. There weren't any permits posted and the records request stated "no records exist." This isn't about who has a permit and who doesn't, this is about fairness and consistency within the Town.

Mr. Kubiak asked is the shed 24-feet and not 20-feet. Ms. Mikolajczak commented she isn't saying that, the permit application says that. The proposed survey on the lot, it shows 20 by 12. There was electricity hooked up also. The deck that I have is constructed, but the green tag was issued almost immediately on that shed.

Mr. Kubiak discussed requesting an inspection. Mr. Kubiak commented he isn't aware of the electricity.

Mr. Parker commented he remembered that it needed Board of Zoning approval.

Ms. Mikolajczak commented it would be nice if someone came to look, because there isn't 15-feet behind the shed. We talk a lot of wild, wild west and trying to get things how they are supposed to be. She doesn't know what the plan is for the Stormwater Board, if they will put a drain in the backyard or do the ditch that wasn't put in. With the shed being there, it may affect what I want done on my property also. There is still stone in the drainage easement, which was the foundation for the shed. The permit application did not have mention of a foundation underneath, which there was a stone foundation put in. Discussion ensued.

Ms. Mikolajczak commented she wasn't afforded the opportunity and the BZA, in her opinion, was stepped upon, because that is what is done. Mr. Parker commented we want everything fair and consistent and Mr. Kubiak will review it. Ms. Mikolajczak commented the permit issue and the person was preparing his home for sale and the Town sent violations and he then was repairing his house. Discussion ensued regarding the permit and work down without a permit.

Mr. Kubiak commented in regards to the deck and it is based on the cost of the deck and it is \$25 a square foot. It would be \$75 for the first \$5,000 and then \$10 for each additional \$1,000. The math is calculated on the cost of the deck. The deck was built on the property without a permit, so it was three times the cost of the permit.

Ms. Brenda Roberts, 15008 Morse Street, commented she didn't have adequate information about a bridge being built on 153rd Street in Lake Dale. She believes this is Cedar Lake property. Mr. Parker commented it is in the County and is not in Cedar Lake. Mr. Kiepura commented we cannot talk about the Lotton properties.

Mr. Terry Broadhurst, 14513 Morse Street, commented there was discussion at the Cedar Lake Storage location about office space and there was discussion about parking space for office space and how many handicaps were needed. Mr. Parker commented this was for Storsafe Storage.

Mr. Broadhurst commented the Storsafe property, he believes the owners will do everything they say they are going to do. Mr. Kiepura stated he did not want any more comments about Storsafe, because they are not present. Mr. Broadhurst commented Remonstrations wasn't opened at the time to speak in regards to Storsafe and asked if public comment would be opened at the next meeting for Storsafe.

Adjournment: Mr. Kiepura adjourned the meeting at 8:35 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 September 18, 2024