



CEDAR LAKE PLAN COMMISSION WORK SESSION MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
October 2, 2024 at 6:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Work Session to order on Wednesday, October 2, 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; Robert Carnahan; James Hunley; Jerry Wilkening, Vice-President; and John Kiepura, President. A quorum was attained. **Also present:** Jeff Bunge, Town Manager; David Austgen, Town Attorney; Tim Kubiak, Director of Operations; and Cheryl Hajduk, Recording Secretary.

Absent: Greg Parker; Heather Dessauer, Secretary; Don Oliphant, Town Engineer

Mr. Carnahan commented with our problems with IDEM, the concern is approving anything because of IDEM not wanting to approve NOI permits. Mr. Austgen commented the Town received notification of issues with the water utility of the Town on August 8, 2024. A comprehensive letter report was made to us based upon physical inspections that were made by IDEM. The discovered in reviewing records and going on properties and looking for locations. There are approximately 12 points of contact for a well drilling that had not received proper vetting for permitting. It explains some of the circumstances that were found pertaining to the water supply and volume. It was a surprise to us and the report was very objective in describing the process of not fulfilling the complete documentation. It was contemplated by a Notice of Intent Permit. It is an Indiana Administrative Code methodology for utility service extension and connection. Those findings meant to IDEM that we had some explaining to do about the process. The process will begin immediately and we were unaware of the circumstances that were left incomplete processing of NOI permit, data, documentation and information. The process for those permits, includes the delivery to the Town of a signed permit application by the property owner, the developer. The check-off of the same by the professional of that developer or property owner or entity and a check-off with the Town. Some of that occurred and some of that didn't. It was discovered that a large number of those wells and extensions were constructed without one permit application being received and without a complete application with information. This accounts for supply issues with water that are on the West side of the Town and was subject to the bulk of our conversation with IDEM. The Town would evaluate the talking points that was discussed and provide a response and to begin the comprehensive process planning study. There was commentary in the August 8, 2024 letter that no permits or extensions are to occur, pending the answers being provided.

Mr. Carnahan commented it was his understanding that on the West side water needs to be increased and we need to increase capacity. Mr. Austgen commented that will be the work of the engineers.

Mr. Carnahan commented there is an 8-inch water main on the West side property and it needs to be a 12-inch water main. Mr. Austgen clarified it is for the East side.

Mr. Kiepura commented IDEM is not going to issue any permits for Notice of Intent. We cannot put any water line extensions in. Does this also mean that if there is a water line running past your vacant lot to

build a house, can it be tapped into that. Mr. Austgen commented IDEM is saying “no” to everything at this point pending our report and response during the evaluation and our plan of development and the remedy of remedial actions. NOI’s are permit approval and it is part of a planning methodology so circumstances like this do not occur. It is reviewed as required and they can verify the water source, volume and quantity, then the planning has worked and the NOI would be issued and the extension would be permitted to proceed. When you look at the map, it is a significant cluster of wells and water extensions.

Mr. Carnahan commented Storsafe wanted to put a pipeline in and they weren’t going to tap into any water. Can they proceed. Mr. Austgen commented in his opinion “no.” Discussion ensued.

Old Business:

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

Owner: Joe Lopez, 3285 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, 3285 Glenwood Dyer Road, Lynwood, IL, Adam McAlpine, 398E 400N Valparaiso, IN, commented the plans have been re-submitted to Mr. Oliphant for his review. Mr. Kiepura commented Mr. Oliphant gave a summary of what is going on with the review letter.

Mr. Kiepura commented the lighting needs to be addressed. Mr. McAlpine commented we have a sight lighting and photometrics plan and the Town’s Lighting Ordinance has two requirements, and it is not possible to achieve both of them, so we will need to come for a Variance. We aren’t going to spill light over onto the neighbor’s residence. There is a requirement called the Lighting Uniformity Ratio and it is a matter of how uniform the lighting is. The lighting consultant informed us that we can achieve one, but not the other, because how the lighting is oriented and is a function of the math. There will be lighting in the parking lot and on the building. There will be no lighting that leads to the property according to our analysis. The uniformity ratio is what would be coming for a Variance.

Mr. Kiepura asked is the demo the farthest down it is going. Mr. Lopez responded in the affirmative. Discussion ensued regarding what happened when there was the fire to the building.

Mr. Kiepura commented he wasn’t sure if they will be ready in two weeks, depending on what Mr. Oliphant has to say.

Mr. Kubiak commented the demo process has nothing to do with the plan. Is the sidewalk along Lake Shore Drive 5-feet or 6-feet. Mr. McAlpine commented he wasn’t sure, and Mr. Kubiak commented the proposed sidewalk would be from the curb 6-feet to the North. Mr. McAlpine commented it will be curb and gutter and then 6-foot sidewalk to make it uniform.

2. 2024-10 – Schilling Development – Preliminary Plat

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: 5604 W 141st Avenue, Cedar Lake, IN 46303

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

Mr. Kiepura commented this was at the last meeting and was given a deferral.

3. 2024-13 Danny Starcevich – Concept Plan for a 2-lot subdivision

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

Vicinity: 8601 W. 141st Lane, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of old business is for a Petition requesting to subdivide lot structure from 5 separate lots into a 2-lot subdivision.

Mr. Danny Starcevich, 8601 W. 141st Lane, Cedar Lake, IN, commented when we were here in August, the Board wanted to see what was going to go on the second lot. We have been meeting with a builder to go over with what we want to build.

Mr. Kiepura commented he had a note from Mr. Oliphant, the Town Engineer, stating the last time they provided a Concept Plan, they were advised to attend a Board of Zoning Appeals meeting to determine how to best subdivide the parcel. We haven't received anything new on this one.

Mr. Kiepura asked if the Starcevich's went to the BZA. Mr. Starcevich responded in the negative.

Mr. Wilkening commented he remembered talking about a garage that is on the southern property. Mr. Kiepura commented the property line runs down the middle of the five lots. The five lots are going to be split in half. The house will be on the North side and then there is a garage there. Mr. Starcevich commented we are going to demolish the garage. The blueprint should be in the file.

Mr. Kiepura asked do they need to go to the Board of Zoning Appeals. Mr. Kubiak discussed the setbacks. Mr. Starcevich commented we would like a three-car garage. Mr. Kubiak commented the two-car garage with the 30-foot setback would not need a Variance. The other with the three-car garage would need a front-yard Variance because it is a corner lot. If they do a two-car garage with the house they are showing, they can do it without a Variance.

Discussion ensued in length regarding putting in a new garage to not create any future problems or hardships. Mr. Kiepura commented they need to show the Board where the garage is going to be for the existing house.

4. 2024-14 Neil Poplon Final 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. Kiepura commented that Mr. Oliphant did not anticipate any issues and they will be back in two weeks.

Mr. Wilkening commented in Mr. Oliphant's comments, this should be contingent on the proposed utility easement northeast of the parcel being acquired and recorded.

Mr. Jack Huls, DVG, Inc., representing the Petitioner, commented the description of that property is prepared and Mr. Poplon has engaged an attorney to prepare the document. We are requesting the Final Plat so the mylars can be recorded.

Mr. Neil Poplon, 9204 W. 143rd Avenue, Cedar Lake, asked when does the agreement from the attorney need to be turned in. Mr. Kiepura commented all of the information for an upcoming meeting needs to be turned in by noon the Friday before the meeting and given to the Building Department.

New Business:

1. 2024-17 Henn Holdings – Site Plan

Owner/Petitioner: Henn Holdings, LLC, 13733 Wicker Avenue, Cedar Lake, IN 46303

Vicinity: 13861 Alexander Street, Cedar Lake, IN 46303

Mr. Kiepura stated the first order of new business is for a Petition requesting a Site Plan for developing in Railside, Lot 27.

Mr. Jack Huls, DVG, Inc., representing the Petitioner, commented we are requesting Site Plan approval in two weeks for this building on Lot 27 of Railside. There are two zoning classifications on the North and the South. We received some review comments from Mr. Oliphant and we responded to those.

Mr. Kiepura commented this is zoned B-3. Mr. Huls commented this is the southern business part and the northern part is industrial zoned.

Mr. Wilkening asked the building will have four businesses in it. Mr. Rob Henn responded in the affirmative.

Mr. Kiepura asked will there be plenty of parking. Mr. Huls responded in the affirmative.

Mr. Becker asked how does this affect the water with IDEM. Mr. Huls commented IDEM will not see this petition, because there is already water in front of this lot. The process of pulling a building permit is for commercial property is to seek Plan Commission approval and then we submit to the State for State Design Release with the Health Department. Once we receive everything, we bring it to the Building Department and they will do their review and will make sure that everything is consistent with the approvals of the Site Plan and issues the Building Permit. If the Town is going beyond what IDEM said regarding water main extensions and not allowing building permits, because of that, it would be unknown to us. It would be reasonable for a Petitioner in front of the Board to know that information before they proceed.

Mr. Austgen commented we do not know what is going to happen. The response from IDEM may be some of the content of the discussion we had could end certain approvals that were made or they could have those permits that were issued withdrawn. Discussion ensued regarding what IDEM may come back with.

Mr. Huls commented there was a NOI with an allocation for this business in that NOI that was signed by the Town and approved by IDEM. This project went through the formal primary and final platting, so we have a legal lot of record, which means there is public infrastructure installed and there are public bonds, Letters of Credit that the Town is holding for this improvement. There should be no issue with getting a building permit, because there is adequate assurity and the Town has signed all of the required permits that are required for us to have water service available and have communicated via approval of a Final Plat that the water is available.

Mr. Carnahan commented they may rescind some of this and it is not right.

Mr. Henn commented we have made our commitments like we were supposed to do and we got the bonds and put a substantial investment in that place and if you don't issue permits, that means we cannot sell lots.

Mr. Henn commented this is a speculation building and there will be permits pulled later on interior build outs and there should be no problem to go ahead and get a permit pulled on the building shell, correct. They will not be able to hook up to the water until the interior build. Mr. Kubiak commented he agrees that the water is in front of the building and people are using water out of that line. Discussion ensued regarding the frustration of the water issue.

Mr. Wilkening commented his concern is if there is a fire, is there enough water in the pipe for fire suppression.

Mr. Carnahan commented his concern is that IDEM approved these permits and now they want to rescind the permits.

Mr. Huls commented in two weeks it would be fair to have an understanding is the Plan Commission going to grant Site Plan approval contingent on the ability to pull a building permit based on any findings of IDEM or will action be refrained on all petitions because of that. We would like to advise our clients of what to do.

Mr. Kiepura stated he would like to take this as far as we can and when IDEM tells us we can go ahead and we are not going through another six months to try and get something done.

2. 2024-18 Industrial Tractor Parts – Site Plan

Owner: CLBD South LLC, P.O. Box 488, Dyer, IN 46311

Petitioner: Industrial Tractor Parts, 755 California Avenue, Dolton, IL 60419

Mr. Kiepura stated the next order of new business is for a Petition requesting a Site Plan to build an industrial warehouse building in Lakeview Business Park, Lot 8.

Mr. Jack Huls, DVG, Inc., representing the Petitioner, commented this business is a supplier for parts for bulldozers, back hoes, heavy machinery for mass excavation. They provide the supply parts and they have several locations throughout the United States. This is a PUD parcel and will be in Lot 8. We have submitted a Site Plan and had some reviews with Mr. Oliphant.

Mr. Kiepura asked will this just be used for storage. Mr. Huls commented they supply parts out of this business and there will no be no manufacturing or shipping in this location. There will be two truck bays with docks at this location.

Mr. Kiepura asked will there be plenty of parking. Mr. Huls responded in the affirmative.

Mr. Wilkening asked will there be overnight truck parking. Mr. Huls commented responded in the negative.

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

Update Items:

1. Beacon Pointe East, Unit 1, Performance Letter of Credit to expire on October 30, 2024

Mr. Huls commented punch list items need to be worked through.

2. Beacon Pointe West, Unit 5 – Performance Letter of Credit to expire on November 19, 2024

Mr. Huls commented punch list items need to be worked through.

Tabled:

2023-18 Bay Bridge

2023-19 Founders Creek

2023-20 Red Cedars

Public Comment: None was had.

Adjournment: Mr. Kiepura adjourned the meeting at 7:15 pm.

TOWN OF CEDAR LAKE PLAN COMMISSION

John Kieपुरa, 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 October 2, 2024