



**CEDAR LAKE PLAN COMMISSION SPECIAL PUBLIC MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
November 6, 2024 at 6:00 pm –
directly followed the regularly scheduled work session**

Call To Order:

Mr. Kiepura called the Plan Commission Work Session to order on Wednesday, November 6, 2024, at 7:18 pm with its members attending on-site. The Pledge of Allegiance was said by all.

Roll Call:

Members Present via Zoom: Don Oliphant, Town Engineer

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:** Jeff Bunge, Town Manager; David Austgen, Town Attorney; Tim Kubiak, Director of Operations; and Cheryl Hajduk, Recording Secretary.

Absent: None

Agenda:

1. 2023-28 Lakeside – 1 year Extension of Preliminary Plat

Owner/Petitioner: Cedar Lake 133 LLC, 8900 Wicker Ave., St. John, IN 46373

Vicinity: 5711 W. 133rd Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the first order of business is for a Petition requesting a one-year extension of Preliminary Plat for Lakeside.

Mr. Kevin Hunt, on behalf of Schilling Development, representing Cedar Lake 133 LLC, commented we had originally looked to plat the next phase of Lakeside original, but the Town would like to meet with us to go over a few items. We would like to extend the Preliminary Plat for another year.

A motion was made by Mr. Parker and seconded by Mr. Wilkening to extend Lakeside's Preliminary Plat for one year. 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. Beacon Pointe West, Unit 5 – Performance Letter of Credit to expire on November 19, 2024 in the amount of \$212,835.17

Mr. Kiepura stated the next order of business is for Beacon Pointe West, Unit 5, Performance Letter to Credit to expire on November 19, 2024 in the amount of \$212,835.17.

Mr. Kevin Hunt, on behalf of Beacon Pointe LLC, commented we are seeking to extend the Performance Letter of Credit and we received confirmation from the bank that they delivered that extension. This was the phase that received a waiver to get the pavement down.

A motion was made by Mr. Parker and seconded by Mr. Wilkening to extend Beacon Pointe West, Unit 5 Performance Letter of Credit for one year to November 19, 2025 in the amount of \$212,835.17. 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

3. 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 Final Plat to make it a legal lot of record.

Mr. Jim Sayegh, Storsafe of Cedar Lake LLC, 5301 Dempster St., Suite 300, Skokie, IL 60077, commented we have an agreement that has been discussed in great detail and the Board is ready to vote on it.

Mr. Oliphant commented any motions should be contingent on our September 18, 2024 letter, but there are still some minor comments, along with Letter of Credit language and MS4 fees and 3% fees if chosen to go that direction.

Mr. Kiepura commented he has seen the agreement and in order to get a permit to proceed, they do not need a Notice of Intent by IDEM, is that correct. Mr. Austgen commented he did not say that and he did not draft the agreement.

Mr. Sayegh commented in order to take that item off the table and stating from the agreement this is no force and effect. This commitment is specifically conditioned on the developers and the Town of Cedar Lake's understanding that the Notice of Intent water permit from the Indiana Department of Environmental Management is not required. This is saying if we are unable to get it, then there isn't liability. Our hope is to separate a zoning entitlement from a building permit. There is no reason to hold up the zoning entitlement that we are in agreement with.

Mr. Parker stated he has talked to other Council members about this and nobody is going to sign a NOI until everything is clear.

Mr. Oliphant commented he wanted to clarify that the developer's intent to install it when it is allowed. Mr. Sayegh commented we should strike paragraph 6 and grant the zoning entitlement under the parameters under the Development Commitment. There isn't a legal ability to pull a NOI.

Mr. Kiepura asked can we strike this from the document. Mr. Austgen responded in the affirmative.

Mr. Austgen commented NOI is a euphemism for a process that will not be followed by IDEM hereafter and they will require construction engineering application. The replacement should be requiring the property owner, petitioner, developer to meet and conform to all requirements of the State of Indiana and the Department of Environmental Management related to this. This document would codify and validate exactly what they have to do.

Mr. Austgen commented the Town's actions steps will begin related to the request of IDEM and we begin some and reported to them and that those things are beginning to fall into place from engineering work.

Mr. Sayegh commented we will follow the laws and Ordinances of Cedar Lake, IN and the State of Indiana. This has to go to the State and they have to issue a design release, which they would not do right now. The Building Department has to issue a building permit.

Mr. Austgen commented this did not happen between the two attorneys, it was presented by the Petitioner to either the Town or through their attorney to me and immediately transmitted it here. The two attorneys didn't do anything, but process the information. Mr. Kiepura commented whatever is in this document was discussed upon this floor in front of an audience, members and attorneys present or zoom, Commissioners and nothing was done behind closed doors. Mr. Sayegh stated that as the Petitioner he would agree with that statement and there is no policy, material matter, and things that have to be done to have legal standing, but that is just form.

Ms. Dessauer commented the implication was that we shouldn't be approving anything and can this be cleared up. Mr. Austgen stated what has occurred is the recognition of position IDEM is taking with the extensions and the permits and they have to follow the status of approval process in Indianapolis. We have learned that through documentation with IDEM. They cannot tell us, but if we exceed capacity, we are liable.

Mr. Kiepura asked if there were and Remonstrators for or against this development.

Mr. Terry Broadhurst, 11600 West 132th Street, Orland Park, IL, commented regarding the Storsafe paragraph that was not discussed before, and therefore, the comment, squashes what the statement is. If paragraphs are being taken out, something was wrong with the document. The document is not the issue, but he knew it was apparent that he wasn't going to be able to speak at the last meeting. There needs to be an open dialogue. Public safety is always important and shouldn't there be a fire easement in the back of the property. Discussion ensued regarding what happened at the last meeting and Mr. Broadhurst apologized to the Board.

Mr. Kiepura commented we are here for zoning and we are approving that and not fire easements.

Mr. Kiepura closed public comment.

A motion was made by Mr. Wilkening and seconded by Mr. Becker to approve the Developmental Commitment Contract and referencing Christopher B. Burke's letter dated September 18, 2024 and to amend the contract to strike Section 6, page 3 of the Commitment Contract and to include that the owner meets the requirements of the State of Indiana for zoning purposes only. 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. Wilkening and seconded by Mr. Becker to approve the Final Plat for the Storsafe property at 13549 Wicker Avenue and to include the financial assurances, Performance Letter of Credit: \$199,072.50, 3% Inspection Fee: \$5,429.25, and MS4 fee: \$1,500, permit fees, and referencing Christopher B. Burke's letter dated September 18, 2024 and to amend the contract to strike Section 6, page 3 of the Commitment Contract and to include that the owner meets the requirements of the State of Indiana for zoning purposes only. 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. Carnahan asked Mr. Oliphant to discuss the water issue with the new police and fire building. Mr. Oliphant commented we re-submitted packages for Paradise Cove and there are two permits for the Paradise Cove. One for well upgrades and that is complete and chemical treatment installation for the well house itself. Those went back into IDEM a week ago and there are clarifications needed with IDEM. The Robin's Nest well upgrades permit went in, which will install a triplex pump system and ascada system to talk to the new water tank up on Colfax Avenue and should push that ahead.

Mr. Carnahan asked is there a 45-day waiting period after IDEM approves the well. Mr. Oliphant responded in the affirmative.

Mr. Carnahan commented a resident wants to know what is going on at the west side of the lake. People are concerned about the water situation in Linsway. Discussion ensued regarding the water issue and getting a Master Plan in place.

Mr. Wilkening commented the dry hydrant may resolved some fire suppression. Mr. Oliphant commented we are looking into that and would be maintained by the Fire Department.

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 7:56 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 November 6, 2024