



CEDAR LAKE PLAN COMMISSION WORK SESSION MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
June 4, 2025 at 6:00 pm

Call To Order:

Mr. Kiepura called the Plan Commission Work Session to order on Wednesday, June 4, 2025, at 6: 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; James Hunley; Robert Carnahan; Pete Swick; Jerry Wilkening, Vice-President and John Kiepura, President. A quorum was attained. **Also present:** Luke Sherry, Town Engineer; David Austgen, Town Attorney; Terrence Conley, Planning Director; Cheryl Hajduk, Recording Secretary

Absent: Ben Eldridge, Town Manager; Tim Kubiak, Director of Operations

Old Business:

1. 2023-17 – Railside – PUD

Owner/Petitioner: Henn Holdings LLC, 10702 West 141st Avenue, Cedar Lake, IN 46303

Vicinity: 10702 West 141st Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the first order of old business is discuss modifying the screening requirement.

Mr. Nathan Vis, Vis Law, 12632 Wicker Avenue, Cedar Lake, IN, commented we have a minor amendment to the PUD that we passed a couple of years ago. There was a minor Scribner's error, so this addresses the PUD that's known as Railside. (inaudible) Except for between the B2 and the M1 zoning. There is not a screening requirement between the individual lots except for between the two zones, the B2 and the M1 and we are looking to clean up the Planned Unit Development.

Mr. Parker asked you want to waive screening requirements within the PUD, but still screen the adjacent property owners, correct. Mr. Vis responded in the affirmative and it is the side yards. It doesn't affect the screenings in the back, especially those that are adjacent to residential areas. Those definitely stay, except for there would still be the requirement for foliage in between the B2 and the M1 lots, which affects two of them, or four of them.

Mr. Carnahan asked there would be no screening in between lot 19 and 21. Mr. Vis responded in the affirmative.

Mr. Wilkening asked the screening is eight feet. Mr. Vis commented he believed it was.

Mr. Sherry commented his engineering opinion was typically screening is when you're trying to block one land use from another, residents from an industrial park or not like, two like land uses where it's two lots that are both commercial or industrial. I think that if I'm understanding correctly, I think that's the ask here, right, is to eliminate the requirements between the two like lots.

Mr. Carnahan asked the screening will be for lot 16 and 17. Mr. Conley responded in the affirmative.

Mr. Austgen commented one consideration you need to make is whether this is substantial and requires a public hearing. It doesn't seem that it is, but that determination needs to be made on the record. You'll be ready in two weeks. Mr. Vis responded in the affirmative.

2. 2025-23 – Anderson - Site Plan Approval

Owner: Chris Anderson, 11900 White Oak Drive, Cedar Lake, IN 46303

Petitioner: 219 Property Management LLC, 11900 White Oak Avenue, Cedar Lake, IN 46303

Vicinity: 13721 Alexander Street, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of old business is to for a new project buildout for Lot 20, Railside (PUD).

Mr. Chris Anderson, 11900 White Oak Drive, Cedar Lake, IN 46303 and Mr. (inaudible)

Mr. Carnahan commented looking at the sketch, it has 30-foot front setbacks, 10-foot side setbacks, 20-foot rear setbacks. And the building's 130 by 70. Do you have six lights on that building. Discussion ensued regarding how many lights.

Mr. Sherry commented we had sent out our first review letter for this development May 28, 2025. Mr. (inaudible) commented we took care of the comments, but we still did not send it back. We addressed all comments related to the Ordinance. Mr. Sherry commented he hasn't seen the re-submittal yet, but we had comments related to a little bit of everything, some lighting, some setbacks, some drainage.

Mr. (inaudible) the only comment left is we were also asking for a screening waiver, so we don't know how you guys can go around that. We were also looking to get two addresses for the same, because we plan to have two separate units for the centers.

Mr. Carnahan asked in the 130 by 70 feet building, you're going to have two units in there. Mr. (inaudible) responded in the affirmative. That's an assurance that we have.

Mr. Carnahan asked the split down the middle; one will be in the front and one in the back. Mr. (inaudible) responded in the affirmative.

Mr. Kiepura commented we need all of the information and come to the next work session.

3. 2025-24 – Dykema – Lot Grade Approval/Acceptance

Owner: Ryan Dykema, 2536 W. Huron Street, Chicago, IL 60612

Petitioner: Ryan Dykema, 13523 Beach Place, Cedar Lake, IN 46303

Vicinity: 13523 Beach Place, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of old business is Petitioner is requesting relief of permitted Plat of Survey grades as noted by final surveyor location report.

Mr. Ryan Dykema, 2536 West Huron Street, Chicago, Illinois, commented we have paperwork explaining the part for the HOA. Between lot 8 and lot 9, he is only at a 3 1/2-inch difference, so there isn't any problem with the walk-run-off. The north side of the lot of lot 8, all the grades that DVG was requesting.

Mr. Kiepura asked what side is the difference. Mr. Dykema commented the three-and-a-half-inch difference is from the south side, from lot eight to lot nine. There's already a previous house on lot nine.

Mr. Parker commented he didn't think that that's the case. He thinks the top of the foundation of that house was wrong from the beginning. And you're never going to meet the grades. Who shot the grade on that, but it's not correct.

Mr. Dykema commented when he received the approval for the foundation, he thought that was everything and then we were ready to move on to step two. I would have never moved on. The house was completed, and then find out everything. Discussion ensued regarding the seed and blanket on the property.

Mr. Wilkening asked were any MS4 citations written for this property. Mr. Sherry responded in the negative.

Mr. Parker commented the foundation hasn't been right, not for you, but for people after the fact coming in here and trying to get a waiver for something that should have been right to begin with. Discussion ensued regarding how the Board did not have all of the information that needed to be reviewed and a waiver wanted.

Mr. Conley commented the MS4, you realize there's two parties. One is the individual lot itself, but as far as the development, the responsibility of the making sure that drop inlets are protected and the ponds are protected is the developer's responsibility.

Mr. Wilkening asked how many issues are with the house, other than the elevation issue. Mr. Conley commented he's done things that Mr. Kubiak has asked him to do to verify from NIPSCO to come out there to make sure that his utilities are correct. NIPSCO came out there and they did that.

Mr. Parker commented this project needs to be vetted completely before any approval is given in a public meeting. Discussion ensued regarding what has been done with the project so far.

Mr. Sherry commented there's a couple of concerns with this as-built that was provided. One, was the driveway grades didn't quite meet the city's standard by more or less a technicality, but it still would require a variance from that standard because of the slope. The other thing was because the foundation was put in too high, particularly along the north lot line because the ground is sloping to the North up there. The northern lot, lot 7, which is vacant right now and if you look at the lot the grades along the lot line that divides lot 7 and lot 8, they're about 0.4 to 0.45 feet higher than the approved plan, so what's going to happen is when lot 7 gets built, the house that was thought to be at a certain elevation will have to come up a little.

Mr. Wilkening commented hated to use the word water garden, but that's what this is looking like. The north side of this swale is how high. Mr. Conley commented that is an as-built. He cut it down to the elevations that the DVG gave him to follow.

Discussion ensued that Mr. Dykema did not have a general contractor's license with the Town.

Mr. Wilkening asked how many issues are there. Mr. Sherry commented the variance for the driveway grades. When that northern house on lot 7 gets built, that's got to get raised up. Then just looking at these as-builts, we would like to get additional spot shots in there to make sure there is adequate pitch. There are two spot grades caught out roughly in the corners of the house that are only .02 feet apart. We do not know what's going on in between those, if that's all supposed to drain to the back or to the front, but maybe just some additional information in there would be helpful.

Mr. Wilkening asked who pays for the homework that Mr. Sherry needs to complete. Mr. Austgen commented the builder. We should not take the burden of what the remedy is here and this gentleman should find the right engineer, assess the property, the parcel, the improvements on it, and come back here with their recommendations. At this point, we've just moved into partnership with what we are not sure of, and we shouldn't be in that position. We care about the proposal that will be made after your engineer goes on site.

Mr. Dykema commented he was within inches of the as-built of what was recommended and that was before doing any type of landscape or anything.

Mr. Kiepora commented he needs to see what the issues are and then Mr. Dykema has to respond to that and tell us how he's going to fix it before we can move forward.

Mr. Sherry discussed as-built drawings that were already created, the neighbor's property, overflow, elevation, water-run-off.

Mr. Kiepora commented we do not want to approve something that's going to create a problem in the future for that present piece of property or for future properties or existing properties around there now.

Mr. Conley commented there is a final grade and Mr. Sherry commented on it and it is 4500 hundredths to high on the north side, which is approximately five and a quarter inches. There are two spots and both end points are correct in the grade that need to go down about 4,500 according to what Mr. Sherry is saying. All your other grades are there. If the issue with the foundation and stuff like that, that is what you are seeking relief from according to the developmental standards and that will be only if they grant it or not.

Mr. Conley commented everything's paved, everything's done there, but if you meet those grades, that's what they're going to need. And right now, according to your final survey, your 4,500 is too high, in two spots, but it looks like your foundation is good. Where your grade is at by your foundation, according to this, according to the sketch that you got from DVG, you are good, you just need to check this.

Update Items:

1. Perez – Performance Letter of Credit in the amount of \$4,430.25 to expire on June 14, 2025

Mr. Conley commented Mr. Perez contacted him today and he is a little confused on what his obligations are because he doesn't own this property anymore. He was informed that he made a commitment to the Town and an agreement to get the work done. The bank will get the documentation over before June 10th, proving that he's going to extend it for another year, but still that doesn't address the issue of how they're going to get the work done. He was recently in the hospital. Extending will be for another year.

Mr. Sherry commented the work is for curb and street.

Mr. Austgen commented the If the bank will give you the money, that's the easiest way to resolve this. You have a third-party owner, a beneficiary, who owns the property now. Apparently, he sold it. The issues of access and construction, this is a spot job that Town Public Works could do. We have repair work coming in. If you had the cash in the bank, you could take care of it.

Mr. Parker commented he doesn't don't know why we would extend a performance letter of credit to someone who doesn't even own the property anymore. It needs to be pulled.

Mr. Kiepura commented if he's not willing to send a contractor out there to do it, he can pay us and we'll do it.

2. Cedar Lake Storage – Performance Letter of Credit in the amount of \$7,700.00 to expire on July 1, 2025

Mr. Kiepura commented it is just sidewalk that has to be done. Mr. Sherry commented there's a sidewalk that sort of spans the driveway apron and stops right there. The original permit plans, the sidewalk was supposed to extend all the way to the lot line. That is the piece that's missing and the grades are sort of challenging. There was an earth excavation component to it too. It was 80 linear feet of sidewalk plus some quantity of earth excavation try make the grading work.

3. Centier Bank – Boyer Construction – Performance Letter of Credit in the amount of \$71,467.00

Mr. Sherry commented he thought they have everything done on this one. We have an outstanding as-built letter from last year that they never responded to and he will contact the engineer for this to get an updated as-built that addresses the issues from a year ago.

4. Beacon Pointe East – Unit 4 – Performance Letter of Credit in the amount of \$359,608.00 to expire on July 25, 2025

Mr. Sherry this one is likely going to roll into maintenance and all that is left is some servicing.

5. Larson Danielson (Peoples Bank) – Maintenance Letter of Credit in the amount of \$2,732.10 to expire on August 8, 2025

Mr. Sherry commented this one's done.

6. Rose Garden Estates – Unit 3 – Performance Letter of Credit in the amount of \$1,913,079.85 to expire on August 22, 2025

Mr. Sherry commented we understood that they have an automatic renewal on June 22, 2025 and they do it 60 days in advance. All units had issues that were outstanding. That is their policy that it automatically renews.

Mr. Carnahan commented State Bill number one is property tax relief, but they have pushed the burden on to cities and towns and we have a chart that it's estimated we're going to lose in 2026, 2027, and 2028. It could go up; it could go down. But right now, it's about \$2,700,000 in revenue from the state. What the state legislature has done, have offered an optional income tax. Now that's for us to decide as a council if we want to do that. Our Clerk Treasurer is requesting all department heads to try and cut their budget for 2026 by 5%.

Mr. Kiepura asked if a town council wants to, for income tax, then what happens. Mr. Carnahan commented it's one more tax. Discussion ensued.

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

Public Comment:

Mr. Dave Carey, 13463 Beach Place, Cedar Lake, this project has been going on for five years. We received the Notice of Termination from the State of Indiana for the stormwater runoff. We have been dealing with Mr. Don Oliphant for the last five years and certainly clarify a lot of these things that are going on. But once we received the Notice of Termination from the State, this then falls on to the property owners. The erosion that's going on, and to say that Mr. Dykema has never received violations, that's not true.

He's received a fine and also had a stop work order because he refused to pay that fine. Once I received the Notice of Termination from the State of Indiana, the MS-4 then falls on the Building Department and no longer falls under the Engineering Department. All of this erosion that's going on and the filling of this tension and the filling of the sediment pond is all coming from those lots, which I have relayed and I have responses from Mr. Oliphant on this and have been communicating with the building department and keeping them aware of what's going on.

Mr. Parker commented the next one's going to be just as bad too because it changes the topography of how the subdivision, the work that you did to engineer the subdivision. Now the next lot has to have a different grade as well. It's changed because he didn't get this one right. It changed the way of the engineering.

Discussion ensued regarding MS-4 violations, erosion and the sediment pond. (discussed in length by Mr. Carey)

Discussion ensued regarding the approval of the HOA, which Mr. Carey is the President of.

Mr. Carey commented all of those lots going from 136 going to the north are supposed to drop two foot down. Mr. Dykema has taken the house on lot A, made it two foot higher than the lot on lot nine. All that water's going back and was supposed to fall down to the detention. Now all of those lots going north are going to be affected by it.

Discussion ensued regarding the silkworms at the property.

Mr. Kiepora asked what should the Plan Commission do. Mr. Parker commented require compliance.

Mr. Kiepora asked who is responsible to fix the catch basin. Mr. Austgen commented the developer to whom the approval was given.

Mr. Parker commented Mr. Carey cannot control what someone is doing on the property, building and violating MS-4 and destroying a pond that he's built twice. We don't enforce what we need to enforce, obviously, because it continues to go on. And we're going to put it right back on him. That's what we're going to do.

Mr. Austgen commented we are notified and informed appropriately proper government agency and yes, that's true. The developer of the subdivision who's been given flat approval and has constructed the project.

Much discussion of MS-4 fines and who should fix the problems at the property.

Ms. Janis Jadrak, 12817, Lee Court, I'm just here to see if there was a proposal submitted for a campground in Cedar Lake behind our property. The owner of the property said they were putting a campground back there, right off our property.

Mr. Parker asked has there been a proposal for a campground. Mr. Conley responded in the negative.

Mr. Kiepura commented nobody has brought anything to us and if someone's going to propose something like a campsite or what have you, and the Board would have to be okay with it with a Concept Plan.

Mr. Parker commented this would probably require a zone change also.

Mr. Stephen Smith, 12811 Lee Court, Cedar Lake, IN, commented the street is falling apart. They patched it last summer, and it's falling apart.

Mr. Carnahan commented there's nothing planned for it right now. Public Works may be able to patch it.

Adjournment: Mr. Kiepura adjourned the meeting at 7:39 pm.

TOWN OF CEDAR LAKE PLAN COMMISSION

John Kiepora, President

Jerry Wilkening, Vice-President

Pete Swick, Member

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 4, 2025