

CHESTERTON ADVISORY PLAN COMMISSION
JUNE 16, 2022
6:30 P.M.

The meeting was called to order at 6:30 P.m. Present were members F. Owens, T. Kopko, S. Darnell, C. Hammar, D. Lafata and D. Marchetti and J. Kowalski. Town Engineer M. O'Dell, Town Manager D. Cincoski and Town Liaison K. Nevers were in attendance. Attorney J. Paulson was present as legal advisor.

APPROVAL OF MINUTES

Member T. Kopko moved approval of the minutes from May 19, 2022 seconded by member D. Marchetti and passed by unanimous voice vote.

COMMENTS FROM THE PUBLIC

Mr. Paul Petro of Chesterton was present to express his concerns regarding the proposed dynamic sign along SR49. He said electronic signs take your concentration off the road. He commented that he had a neighbor that was severely injured at the nearby stop light because of a distracted driver.

PRELIMINARY HEARINGS

Kenneth J. Allen & Associates requesting an amendment to the Coffee Creek Center PUD permanent sign and /or BZA Case No. 08-09 & 96-24 to allow the billboard sign to be an electronic "dynamic" sign. (Continued from May 19, 2022) Attorney J. Paulson said her office had received communication from the attorney representing Mr. Allen requesting a continuance until the July meeting.

Member J. Kowalski commented that if the petition were continued again, he would have a hard time supporting the petition.

President F. Owens reminded the board that the preliminary hearing was continued by a board request majority vote at the May meeting. This is the petitioners first request for a continuance.

Member D. Marchetti moved to continue the preliminary hearing for this item until the July 21, 2022 meeting seconded by member C. Hammar and passed by a vote of 6 to 1 with member Kowalski voting no.

PSR, LLC requesting to Amend the 1100 Woods PUD. Attorney G. Babcock was present as representation for the petitioner. He was accompanied by Mrs. Bansal one of the owners and developers of PSR, LLC known as 1100 Woods Subdivision. In the original PUD Ordinance, the owners would construct a lift station as shown on the plan of development for sanitary sewers. The proposed lift station would be privately owned. Over the course of time, it was determined that the utility board wanted to be able to control that lift station. Their request is to amend the PUD Ordinance to facilitate this change. He respectfully requested to have this item set for public hearing at the July 21, 2022 meeting.

Attorney J. Paulson said that Attorney Babcock had worked with town Attorney C. Parkinson to amend the previous Ordinance.

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Member T. Kopko moved to set this item for public hearing at the July 21, 2022 meeting seconded by member D. Lafata and passed by unanimous voice vote.

Thomas T. Roberts Trustee of the Thomas T. Roberts Revocable Trust Agreement DTD. September 19, 2005 and Thomas T Roberts, Individually, to the Chesterton Advisory Plan Commission for Plottage of Property. Attorney G. Babcock was present as representation for the petitioner. He was accompanied by Thomas T. Roberts and Vic Roberts the builder and developer. Attorney Babcock told the board this process started with three B-3 lots, and one R-3 lot. The lots are located on the backside of the Duneland Cove Subdivision. The process included vacating a portion of the road at the end of Sand Creek Drive and Michael Drive. The property was then rezoned to R-1 single family residences. Their request is to re-plat the R-1 Zone into six single family developable lots. The lots would range in size from $\frac{3}{4}$ acre to 1.4 acre lots. He respectfully requested the board to consider setting this item for public hearing at the July 21, 2022 meeting.

Attorney J. Paulson said the petition was in order.

Town Engineer M. O'Dell said there are still a few minor details to work out but felt confident this would be accomplished by the July meeting.

Member D. Lafata moved to set this item for public hearing at the July 21, 2022 meeting seconded by member S. Darnell and passed by unanimous voice vote.

CONCEPT REVIEW- None

PUBLIC HEARINGS

Evans, Baltudis, Murzyn and Stark requesting an Amendment to The Springdale Subdivision PUD for the purpose of installing a 6-foot fence along Lahayne Rd. /1050 N. Rules for conducting a public hearing were read aloud. The secretary verified proof of publication notification and payment. Mr. and Mrs. Evans the owners of Lot 18 were present as representation for the petition. Mrs. Evans gestured to a depiction of the string of neighboring homes. Their house being located second from the corner. They requested a 6-foot black aluminum fence. Mrs. Evans expressed concern about the rate of speed at which cars travel along the roads. For the safety of their children and large dogs a 6-foot fence is necessary. She commented that the style of fence with its open type construction would not impede any lines of sight along the roads. A six-foot fence would prevent their large dogs from jumping the fence and offer a safe place for her children and neighborhood children to play. She respectfully requested the board to consider granting the amendment to the Springdale PUD.

Kyle Lawrence of 2455 Glendale Street, Chesterton was present to speak in support of the petition.

There was no one present to speak in opposition to the petition. The public comment portion of the public hearing was declared closed.

Attorney J. Paulson explained that the proposed Ordinance she presented the board with today didn't match what the town is used to seeing. The Ordinance was then re-draft in order to be consistent with the other Ordinances. She continued by telling the board that this ordinance would grant

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Lots 17, 18, 59 and 60, a variance from Section 806-A and allow them to construct a six-foot fence adjacent to a public right of way. It would then put the following condition on those variances; Petitioners shall construct the fences permitted on Lots 17, 18, 59 and 60 not closer than 3-feet from the sidewalk adjacent to Lahayne Rd. The fences on lots 17 and 60 may be constructed in white vinyl material and the fences located on lots 18 and 59 can be constructed of black aluminum material. She told the board the conditions could be amended by the board if they so choose.

Town Engineer M. O'Dell told the board he didn't see a problem with constructing an open style aluminum fence but the town would not want the homeowners to plant arborvitae trees along the fence line as one of the neighboring houses has already done. He suggested that prior to any permitting they address the landscape line of sight potential concern.

Attorney J. Paulson noted that without all the petitioner's being present she would hesitate to make any changes to the drafted ordinance. If that was the board's wish, she would ask that they continue the public hearing to at least give the other petitioner notice of what conditions might imposed.

Patrick Sabados of 2420 Westwood Ln., Chesterton was present. He said he had no issue with this particular variance, he found a continuous stretch of vinyl fences along roadways to be an eyesore.

Mrs. Evans expressed her frustration in the fact that they had done all the work of putting together the petition but felt there might be a better chance of approval if all the string of neighbors joined in agreement. No other neighbor was present at the public hearing and now they would have to continue while they seek their approvals.

Member S. Darnell said there is a town standard height. She found the Evan's 6-foot open style aluminum fence acceptable but if the Ordinance is amended as such, the neighbors could erect a 6-foot vinyl stockade type fence, which she found to be an eyesore.

There was some additional conversation among the board speculating what each homeowner might like to consider installing. It was the general consensus of the board that a 6-foot black aluminum fence will provide the best overall look unfortunately; the re-draft of the Ordinance would not prevent a hodgepodge of fencing materials and heights. Everyone was in agreement that consistency of the black open style fencing be it within town code or be it 6-feet would be most acceptable to the town and neighboring passers-by.

Member S. Darnell suggested that the Evans Family consider re-petitioning with only their request.

Attorney J. Paulson asked if the Evans Family had power of attorney from all other parties listed on the petition. The Evans said no. Attorney Paulson found it concerning deviating from the petition with no other parties present to consent. All petitioners would need to be present to accept the conditions. She suggested that the board continue the matter and the Evans Family obtain POA or have the other members on the petition drop from the request or amend their request to be consistent with what the board finds most uniform which would be a black aluminum open spaced fence.

Once again Mrs. Evans expressed her frustration over the urgency in keeping the children and pets safe. Their hope was not to delay the need for fencing to accommodate the other petitioners.

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Member S. Darnell asked if it might be possible to withdraw this request and reapply just them.

Attorney J. Paulson said they could but the rules would require another preliminary hearing as well as a new public hearing, which is usually a 2-month process. She felt it would work out better if the other petitioners would conform to the black aluminum 6-foot fence or if they would sign and withdraw from the petition so it is

just the Evans Family. Essentially, they have petitioned the board and we cannot grant to one and not the other. She suggested the board continue the public hearing until the July meeting or set a special meeting. The other petitioners would be required to be present at the meeting or they could sign a letter withdrawing from the petition or submit a new Ordinance for the board's consideration.

Town Engineer M. O'Dell suggested offering the Evans Family a June 30th Special Meeting and the Chesterton Town Council approval at the July 11th meeting. In the end the board felt confident they could have a quorum present at a Special Meeting to be held on Tuesday, June 28, 2022 at 6:30 P.M. The fee for the meeting could be waived.

Member J. Kowalski moved to continue the public hearing and convene a Special Meeting to be held on Tuesday, June 28, 2022 at 6:30 P.M. The fee for the meeting would be waived. The motion was seconded by member C. Hammar and passed by a unanimous roll call vote of 7 to 0.

OLD BUSINESS- None

NEW BUSINESS- None

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board member T. Kopko moved adjournment seconded by member D. Marchetti and passed by unanimous voice vote. The meeting adjourned at 7:50 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved

F. Owens, President