

**Town of Burns Harbor
Advisory Plan Commission**

Minutes of Monday, April 7, 2008

A regular meeting of the Burns Harbor Advisory Plan Commission was called to order by President Jeff Freeze at 7:00 p.m. Answering present at roll call were Virginia Bain, Louis Bain, Jim McGee, Jim Meeks, and Terry Swanson. Mike Perrine was absent.

Also present was Attorney Chuck Parkinson, Engineer Shem Khalil and Building Commissioner Randall Lopez.

Approval of Minutes

Bain moved to approve the minutes of the March 3, 2008 meeting as written. Meeks seconded the motion. Motion carried by unanimous roll call vote.

Bain moved to approve the minutes of the March 19, 2008 meeting as written. Meeks seconded the motion. Motion carried by unanimous roll call vote.

Communications, Bills, Expenditures

Bills

Review of Parkwood Estates as directed by Plan Commission, ~\$567.00
Review of drainage on Old Porter Road by Ludington Nissan, ~\$2000.00
2008 Budget for Engineering, \$2000.00

Engineering/Attorney Fees

Secretary Toni Biancardi stated the engineer has been communicating outstanding balances to her and she notifies the building department. Developers with outstanding bills are not issued building permits per **Section 14-5-6 C**; *All legal and engineering fees incurred in the review of proposed subdivision plats or Planned Unit Development Districts shall be itemized by the providers at their usual and customary rates for their non-municipal clients and charged to petitioners as an additional fee. All such fees shall be paid prior to the issuance of any building permit.*

Additionally the Town Council has been forwarded proposed changes to authorize a Stop Work Order in the case of any unpaid fees.

Report of Officers, Committees, Staff

Old Porter Road drainage

Meeks asked for an update on the flooding problem on Old Porter Road. Shem Khalil indicated a letter had been sent regarding that issue and there is a conclusion. The ditch along the south side of the road was plugged and not grated right. It is not a problem with the plan or design at Ludington Nissan. The driveway was sloped a little bit toward the road, more than it is sloped toward the parking lot. Khalil said we did not approve that; it is an easy fix.

Job Steel Corp.

Parkinson said we have filed with the court an agreement in terms of returning the records.

Preliminary Hearings***Amendment to minimum lot size***

The proposed ordinance would change Table 2 with respect to the minimum lot width and add “per side” to the side yard set back requirement.

Meeks moved to set a public hearing on the amendment to minimum lot size and the addition of “per side” to the side yard setback requirement for the May meeting. L. Bain yes, Freeze yes, McGee no, Meeks yes, Swanson yes, V. Bain yes.

Public Hearing***Stone River Subdivision***

Jeff Ballard, Abonmarche Consultants representing Robert Lewis. Mr. Lewis purchased the property in 2005 specifically to develop a high quality residential neighborhood; something he and the town could be proud of. In April 2007, Mr. Lewis petitioned the town to rezone the property to allow for a high quality, higher density neighborhood. This neighborhood was also in concert with the town’s Master Plan, being the density was higher as we got towards what was being considered the future town center. The petitioner received an unfavorable recommendation from the Plan Commission and expired the Town Council without a vote. After discussion with Town officials it was suggested that if we utilize the current zoning and complied with the town subdivision ordinance that the town would approve our client’s project. Mr. Lewis redesigned the project to comply with current site zone and subdivision ordinance. We developed a plan to fit the standards set forth in the town subdivision and zoning ordinance. The result is reflected in the plan we have here tonight.

Stone River consists of 25 lots, one of which is commercial that fronts US 20 and 24 residential single-family lots. There are two stub roads to the north that will connect with future development. Larry Kleckner is the owner of this property. We are going to need an easement through his property to reach the Lawson Swanson Ditch. We are confident and hopeful he will grant us that. He did say he wouldn’t stop us from doing that as long as we worked closely with him; he has a building that is very close to an existing easement. We would take special measures to make sure our drainage pipe doesn’t affect his building. Our drainage system also consists of a pond in the center. It will be a landscaped amenity. It will be treated as a small pond. You will be able to view the pond all the way through from road to road. The storm sewer system is also sized to allow anybody in Mr. Robert’s commercial property to connect to the sanitary for that storm sewer system.

Out lot A is a landscape buffer between our residential neighborhood and Mr. Robert’s commercial property. We feel strongly that we need to keep that separation there no only for the aesthetics of our subdivision to give them some privacy but also for safety reasons. We don’t under any circumstances want commercial traffic to come in through our residential neighborhood and access his property. We don’t want to mix commercial traffic when we have potential here for children and pets.

We have a future roadway easement that connects to Domon Lane which is a private drive that will enable the city to connect here if they want to improve that. Road.

Out lot B is a transitional drainage area. There will be a small pond that is primarily dry except when we have heavy rains it will fill up and transition into Lawson Swanson Ditch.

There will be landscape buffer around the property and landscape street trees.

We initially proposed a park on lot 24. The Park Department decided it would be best if Mr. Lewis would contribute \$500 per lot and remove dedicating that space for park land. He agreed to do that.

We are planning on maintaining Domon Lane in its current state. Mr. Kleckner has a very viable business and we intend to work with him and allow him to continue to use that easement.

We have two options for homes. We are showing the two story option with a minimum of 2000 - 2500 square feet. The ranch home option has a 1500 square foot footprint.

We will address Mr. Meeks concerns about the general description of the covenants and restrictions to your satisfaction.

Haas Engineering has the construction plans. They have concluded that the sanitary system, the water system, drainage system and plat plan are satisfactory. There are some minor issues we have addressed and we have a new set of plans to give to Shem.

McGee asked if they were able to get the permit for the entrance on Highway 20. Ballard said they met with John McFadden/INDOT onsite. He said they will not deny us a permit whatsoever. We can't produce a permit until we have approval.

Swanson asked why the future road easement was at that location. Ballard said it is in a location that would facilitate linkage to the commercial properties to the east. Frain Insurance Agency has an unrecorded access that is on our property but we are not going to consider it an issue. We want to put that easement just north of his building.

No public comment in favor.

Public comment against...

Brad Enslin, 323 Sherman Avenue said I am not sure if I am for or against. Domon Lane and the entrance to this subdivision are going to be two separate entrances? We've got Domon Lane, Frain Insurance, this property all within a few hundred feet of each other trying to out onto US 20 and on top of that there is going to be more commercial properties that are going to want their own entrance to 20. It seems to me like we are asking for bumper cars on US 20. I think Mr. Kleckner already mentioned sometimes it is very hard for his trucks to pull out onto 20.

Vic Roberts, owner of the commercial property to the south of the Lewis property clarified that he is the owner of lot 25 and 7. In my mind I have the most to lose from this development. I am not against it being developed. I am against it because there hasn't been the master planning involved that I hoped there would have been. I met with these gentlemen on Wednesday of last week. They told me how much time they had taken to get to this point and that was really the first time I was allowed to sit down and talk with them. I was hoping to have been contacted ahead of time. I've made phone calls and wrote letters to Abonmarche. I was hoping the town would step in before we got to the public hearing so we could discuss what my needs are too but also maybe for the town's needs. I think that is what is most important here.

This parcel is kind of unique. It is sided to the north by an undeveloped parcel, parcels to the east that will be developed again someday. There are buildings on them now but because they are such large parcels in my mind those parcels will be broken down and developed with more density. There is my undeveloped parcel to the south. We have access roads to the north and east for future development but we don't have anything to the south which is me.

I am concerned about the sanitary manhole 110. It is very close to my parcel and because of the utility easement that does touch my north boundary I could connect onto it if I wanted to because I will be going through an easement. My request for that manhole is that a stub be created out of that manhole into the grassy area so it is not in the roadway so when I do develop my parcel we are not tearing up a brand new road. I think that is a very simple request. It is probably an addition of 4 pieces of pipe and would save the town with tearing up a new road.

We have an out lot A which creates a natural buffer between my parcel and the right of way of Kirkwood Drive and Lewis Drive. Because it is an out lot I can't cross it with a road. I can cross it with utilities because the utility easement goes to the boundary of my property but I cannot physically attach a road to it. My request here is to turn out lot A into part of the right of way. As Mr. Ballard said this is a future roadway easement and if these parcels to the east are developed as commercial which they are zoned, yes there will be commercial trucks driving through their property some day. I am glad to see they are planning for future development to the east and creating a junior frontage road.

Another concern of mine without having connectivity to the south is because this will be developed commercially, the parking lot for this area will basically come to my property line here which means all the trees they will be using as a natural buffer will be gone. My concern is if someone if going west bound on Hwy 20 and the proximity of our two paved areas they are going to confuse this entrance as an entrance into the commercial space. It would be much simpler and much safer for the general public if they do come in by mistake to have a way to get into the parking lot.

We have 24 lots in Stone River and these commercial spaces will have restaurants, retail stores, office space and I imagine the people living here will want to patronize these commercial spaces. The property to the north has road stubs and is zoned residential. Worse case scenario it is developed multi-family and all these residents are going to have to come out onto Hwy 20 and around to get to the commercial lots. It makes sense to have something coming into my parcel.

I think the town needs to look into the area to the east and see how it is drained. Storm drainage would keep that area from developing. When a storm pipe is run through a fresh area it has to be sized to cover not just their area but also areas to the north, south and east. Someday someone is going to develop the property to the east and they will want to hook onto the storm pipe. For good planning and future growth this needs to be sized to accommodate this undeveloped area. Who would pay for that? I don't know. There is creative ways to do that privately and publicly. What you guys need to figure out is should we take some time and consider the size of pipe that will be put in.

I have been a builder for 18 years, developed land with my father for just as long and I am trying to see if we can get some master planning, some good planning done so not only is Mr. Lewis taken care of but also the surrounding property owners so Burns Harbor doesn't suffer and also to for the public safety. These guys have been trying since January 2007. I would have like to have someone call me up and say let's have a workshop to figure out what you need too so that it is a one shot deal and everybody is happy. That didn't happen. I don't know if that is a glitch in the town's approval process. These questions I have I hoped they would be answered before a public hearing and I wouldn't have to arrange for a meeting myself with these guys. It is at a point where it feels like it is way too late. I have made efforts. The first letter is dated January 29th, another on February 20th and April 3rd. I feel like I am not getting any help here. I am here to ask for help.

Louis Bain asked if there was open dialogue with Mr. Lewis. Vic Roberts said they talked on the phone a few times. I expressed my concerns. He said he would like to speak with me and work with me and when it came time for something to happen the next thing I know last month there is a public hearing. No one wants to sit down and talk to me. Ballard said I can speak for Mr. Lewis to say he is the most easy going, agreeable person you'll want to meet. He is willing to work with anybody and we have. We are in a situation with Mr. Roberts that didn't start three months ago. It started over a year ago when he came to us and said he needed access to his site from ours. I can show you how we provided that. Unfortunately, being that the Plan Commission did not approve the last plan that we had we have moved on to a different plan. He had access with the last plan we had, everything he wanted. He didn't support the last plan either and he is not supporting this plan either. We are working on this project and are more concerned with about the subdivision itself providing what we feel is necessary based on the ordinance. It doesn't mean we are not willing to work with Mr. Roberts but there is some sequences that have to happen here first. Vic Roberts said I am glad he knows I don't agree with his project. Item 16 on their PUD Ordinance said I could connect to their property from a parking lot. That was something that Bernie Poparad came up with; it was added at

the last moment. They did it for the purpose of public safety. We are still worried about public safety whether we agree with their project or not the public safety is priority number one. Your ordinance says that when public safety is involved it is okay for the Plan Commission to step in even though they have met every requirement that the ordinance has asked. McGee said how can another entrance onto Hwy 20 can be safe. Where else could it be safe? Meeks said the entrance is where the State of Indiana says it is going to go. Ballard said we proved with our PUD that we agreed that we didn't believe our entrance should be where it was so that is why we elected to improve under a lot of expense, Domon Lane. It doesn't mean we are leaving that entrance there but for now that is where we are proposing it. In the future we wouldn't want it there. We don't want it there. It is not safe. Neither is bringing commercial traffic into a residential neighborhood. If Mr. Roberts is truly concerned about public safety he wouldn't even suggest it. Meeks asked if Ballard was saying this not where you want the entrance either? Ballard responded it is where we want it now but if things develop to the east that is why we have the easement there. We would much rather have that entrance off of Domon Lane. Right now we would build it where you see it.

Swanson asked how commercial lot 25 of the Stone River plat will be accessed. Ballard said off of the entrance road to the subdivision only to that lot. Virginia Bain asked if they would have a place to come in off of Domon for the commercial property too if you closed the entrance later? Ballard said I am not sure what we would do, it would probably be off of Domon Lane and be per INDOT specifications to handle multiple lanes of traffic; two out and one in.

Jennifer Draves, 1143 Harbor Way said I don't want everything developed in pieces. Will this development benefit Burns Harbor? Is there something else that could go in place of this that would benefit us more? Does this come back to what we talked about last year of having the Town Center being there be better and develop homes around it. Developing it that way versus just going straight in with homes and not thinking out how we should go about doing it.

Larry Kleckner, 1176 Domon Lane said Mr. Ballard talked to me about the drainage down Domon Lane and I am not against it. I did go to the courthouse to research how much easement is there now and couldn't get the answer. I just don't want the corner of our building taken. There is 20 feet between the big trees and our building. As far as Domon Lane I want to go on record I have had the 10 acres north of there since 1980; don't want to move or leave yet. I want to make it clear outside of our people we have 4 truck drivers back there and 4 people in the office. Last week I counted 12 semis, 40 and 50 foot. That is the only way in and out. I don't have the answer but it is dangerous. The liquor store is almost directly across Hwy 20 and Frain is 100 some feet away with the horseshoe lane and other drives. Trouble is coming. It is inevitable. I talked to INDOT a year and a half ago. I thought there was going to be a deceleration lane in front of Frain. That would alleviate a lot of problems for turning in. I wanted to make it clear there is semi traffic running up and down there. That is the only way we have to come in and out on Domon Lane. From what I understand, I don't know it as a fact, when Mr. Frain sold property to the coffee shop he said can I use your lane and I said it is not for me to decide. He was told it is not for public use it is an easement. The last I have been told that is not for public use. I have kept it up.

Cliff Fleming, 323 Village Square said my concern goes back to the idea of planning. Contrary to comments that have been made on behalf of the petitioner the communication level is zero. The important thing for me is when we look at the Comprehensive Plan the ultimate use of 149 and the zoning ordinance it requires and suggests that we stay away from multiple access points and think in terms of frontage roads. One idea Vic brought up we discussed and received no response was exactly that. Coming in and looking at the concept of using frontage roads with one entrance and go off either east or west so there would be connectivity. If you look at an aerial you have the bank entrance, the coffee entrance, Frain entrance, Kleckner entrance and now you are going to have another one here. If you have traveled Indian Boundary, west of 49 you see the same situation the difference is they are not going 30 mph they are going 50 mph.

What we see is a group of entrances whose concept was to try and master plan this area with restricted access and you spin off and go through and have linkage. My concern is we have a safety issue we are promulgating here. INDOT has a definite say but I think as it impacts this town maybe we ought to know what their recommendation and suggestion is to make sure whatever they are going to permit benefits the town. I think whatever INDOT is going to propose at the end of the day it is our town, our people, our families that will be driving up and down the road and the concept as it states in the subdivision control ordinance when getting involved with major arterial highways the concept is to have restricted access and use frontage roads; one main entrance so you have a safe ingress egress and then connect to other properties.

Tom Troy, 1133 Harbor Way said I keep hearing the word master plan and I don't know if the town has a master plan. Is there an area where the town is looking to put some sort of a town center; like you had suggested, building out and around the town center rather than jumbling everything up together. It sounds like we are having issues here as far as safety with driving and children up and down the streets. Is there an actual plan that the town has? Virginia Bain said there is a master plan however at this time there is no town center in the works. Tom Troy said that is my question. If you want to have a town center wouldn't it be a good idea where you want the town center before you start building up and filling everything up. I grew up in Buffalo, NY just outside of Buffalo is a little town called Lackawanna. Bethlehem Steel was huge a long time ago in Lackawanna. They built communities around the steel plant and never paid attention to anything for people to go to or do. Lackawanna, NY today looks just like Gary, IN. There is nothing to go to, it is run down. I went back to visit a few years ago and they are tearing down some of these communities they build in the 1950's and putting in small coffee shops and hotels and doing something with the area which was great to see. I wish they had that when I was growing up there and not have to figure it out later on down the road. I moved to Burns Harbor in the hopes that there was going to be something to go to, to bring my children to, to not feel isolated around Route 20 and not have anywhere to go. Now if I go anywhere with my children all you see is liquor stores and truck stops. I got nothing around here. I was hoping it was going to grow as a community. Now you have to leave Burns Harbor to go anywhere or do anything. I was hoping there is a master plan but if there is I would think you need some sort of idea where you are going to have a town center. You want people to come to Burns Harbor and people who live in Burns Harbor to shop here or play here. They shouldn't have to drive through Burns Harbor to get to another place. I want to know there is going to be something here whether it be for me with my children or my children or grandchildren.

Shelly Miller, 1169 Burns Boulevard said I am a new resident to Burns Harbor. I am here to express my concerns for the safety and the opportunity to pull Burns Harbor together as a community providing places to go. I have a 15 year old son and he's riding his moped to school. I think it is fantastic but I am terrified. It is frightening just pulling off of Burns Boulevard onto 20 because even if I pull out quickly I never know when somebody is going to be right on my tail. They are not going 45 or 50 they are going 60, 65 maybe 70 all the time. We have an opportunity here to do something special. We've got developers here but we also need community. (tape turned over)...and I am curious how many of our residents across the track really care; have we spoken to them? Do they know what this means. I hear multiple access roads, it is scary already. I am hoping we can get a light at the Village entrance. It is frightening to just go in and out of there.

Meeks commented that the Village intersection should never have been put on that curve and unanimously told the Town Council they did not want that entrance on the curve. If we talk about not being safe that is a prime example. You are right; we do need to have other people's input. McGee said I live on Westport Road and people are flying by there; no matter where you come out there will be some type of danger. We shouldn't be doing anything where we know there is a danger. We had a man sit over here and say this existing entrance is a danger going onto 20 and he would recommend something else. I don't know if INDOT will okay that. Ballard said they will. They will also okay an entrance onto Mr. Roberts's

property as well. They will. That doesn't mean we all agree or disagree that it is not safe. McGee said taking that into consideration why should this Commission grant you approval when there is an existing danger?

Gary Hicks, 1141 Harbor Way said this area has an opportunity; we are still in a strong real estate market. We've got great avenues for bringing people in. We got the intersection at 20 and 94, entrance onto 149 off 94, a lot of economic possibilities. We need to have some updates to the master plan to see where that goes. I like the fact of developers like Abonmarche and Mr. Lewis coming into this area and wanting to develop this area. It would help this town but I think we need to make sure that it is in the plan and works instead of a mish mash of subdivision like the one on Babcock Road. How does that all tie into the master plan? Make sure the commercial and residential areas work together. Maybe pedestrian bridges across 20 so people can get across to Old Porter Road. I don't object to his subdivision. I think the government should stay hands off except in safety issues. I think it could be good as long as it meets the master planning that makes sense. I think the town needs to review the master plan and see if it makes sense at this point in time.

Jim Constantine, Haglund Road said I am neither for nor against in but they keep talking about safety and traffic. If you put 25 homes there you are talking maybe 50 cars, 2 cars per household going in and out. If we develop it as business you can have 50 cars per hour not per day. Take that into consideration.

Rebuttal

Ballard said the big issue is the entrance on 20. The fact is it is an INDOT issue. I agree that the town should have some say but for now it is an INDOT issue. Mr. Lewis owns frontage on 20. He has the right to access that road. That is the bottom line. There are bigger issues with planning and those should be addressed in a master plan. A master plan is a 15, 20, 25 and sometimes a 30 year master plan. Along with a master plan you need an implementation plan. It is not going to happen overnight. It takes time. You are on the right path talking about it.

With regards to Mr. Roberts's comments, his bread and butter does not lie with our development. He is going to get people from our development coming to his commercial development. They will take advantage of it. They are not going to appreciate the fact that he has got cars coming in here accessing that site. We want to look at this as a walkable community. We want to look at this and the Village as a walkable shared community. We have not had good participation from the Village to access our development. I have been with this project 6 or 8 months but I know early on that Abonmarche and Mr. Lewis approached the Village. As soon as he saw we weren't going to march to his drum the communication stopped; not from us. We tried to access in two places and that wasn't going to happen. We don't agree that this should be a right of way for Mr. Roberts. If he is so concerned about public safety this is not the place to enter into a commercial development.

For anything to be successful in the region Domon Lane eventually will have to be connected farther to the north and east and possibly to the west. If that happens we would like to take this land and use this access to attach here. Beyond that I don't have all the answers. We haven't got a master plan to follow. We want to put that up and say we are willing to do that.

If Mr. Roberts thinks people are going to come screaming down here and stop at our entrance to go into his, if he has his way finding and signage designed properly that is not going to be an issue. We are going to have separate signage. His commercial signage is going to be much grander in size and scale and much larger to read to someone driving 55, 60 mph. I don't believe it is a legitimate concern. We understand there is a greater issue here with master planning but I do want to stress that foot traffic and a walkable community is more desirable than to have people driving in and out of here from our road.

As far as the pipe sizing is concerned from the engineering side, we do have a storm system that is sized to accept storm water from that commercial property. I believe we have this generously sized as well. Shem Khalil said the size for the storm water is just for the site and the water shed pre-developed. The

detention is sized for 100 year event for the site itself. There is an overflow that is sized to go to Swanson ditch that is from the site pre-developed and post-developed. It is excellent to have a regional approach but unfortunately we don't have that in the code or a master plan for drainage in the town. The pipe is sized to handle the existing water shed.

Ballard said to answer the questions about development above us, it is not that we are not concerned with that but we can't dictate to those property owners what they do. We can reach out and try to work with people. That is why we have those two stub roads. Beyond this property we don't have a say in that that is the town's job. If your master plan is in need of updating and you've talked about it that is something that has got to be done but you also can't jump into it. We are focused on this project that happens to be hitting the books at an unfortunate time. The fact is we are still here and we still need to be approved otherwise I am not sure what Mr. Lewis can do with the property. You need more than one option for housing in this community. This is providing more than one option.

Mr. Kleckner we are glad you are here tonight and we will work with you very closely on your building. We will also do whatever measures necessary so your building is not compromised in any way. We are here to assure you of that.

Virginia Bain asked if everything was okay from an engineering standpoint. Shem Khalil said that is correct. So far it is meeting every code we have reviewed based on the town code. Our recommendation stands as good practice of engineering to have good access to all the sites. If it is not provided we can say there is no access just because there is not access to the east of it. The east of it is not developed. It would be great if it was developed now because I think we would have recommended some access to that site; we still do though. Virginia Bain asked if the developer had met with the fire department and police department. Ballard said we talked to the Fire Chief. The secretary said we did have a staff review and comments were forwarded to the developer and board members. Ballard said we have addressed all the comments that were made.

Virginia Bain asked if the buffer was a buffer of trees the developer would be putting in. Ballard said we would plant those. There are also two bands of trees that come in to the project, old growth oak trees and we intend on preserving as many of those as we can on individual property.

Swanson said Domon Lane is on your property and you own it but Mr. Kleckner has permission to use it as an easement for what length of time. Ballard said yes. Parkinson said if they searched the public records and haven't found a recorded easement it is possible that it is developed into a prescriptive easement which means it is necessary for them to get back and forth and over time that is the way it is developed. Swanson said if at some point in time the situation dictated you could move your entrance to Domon Lane and the other entrance would be gone. Ballard said yes. As INDOT sees it now they would approve the entrance we have on our plan. Freeze said do we need to suggest anything formal in writing between the two parties to guarantee Mr. Kleckner continued use. Parkinson said Mr. Kleckner probably has a prescriptive easement which means he has rights to get back and forth. It is identified on the plat as an easement as an existing access point for him. If you were to approve this plat there is nothing that would change about his rights. McGee said if INDOT approves this entrance you are aware it is an unsafe condition, I am but yet INDOT okayed it, why would we approve it? Parkinson said the ordinance permits you to request that the primary plat have certain safety features on it. Right now they have addressed a deceleration lane. All that is subject to the approval of INDOT. Ballard said we have to provide them with INDOT specifications and drawings that they provide to us as far as deceleration and acceleration lanes. The design that we have would take a deceleration lane all the way to the intersection of 149 and 20. We are talking some major road construction of our entrance, not just the driveway in and out. We are essentially providing another lane to get in and out. Virginia Bain said that would be helpful for all of those. Do you have plans for the putting something on the commercial property at this time. Ballard said we have no plans right now as to what would be put there. Virginia Bain said if you are eventually going to close Lewis Drive and use Domon

Lane where would you put parking. Ballard said whatever goes there is going to be small, like a small office.

Freeze asked where we stand on the temporary turnarounds. Ballard said they are included. Larry Kleckner said I want to be clear here, if the turnarounds are paved real nice what stops anyone from driving straight ahead onto our property. Ballard said we've got an easement that would turn into our development off of Domon Lane. Meeks asked if a guardrail or something could be placed at the two stubs. Ballard said they would put something.

Toni Biancardi asked how long the developer expects before it is built out. Rick Milton said about 22 months. Toni Biancardi asked at what point might you close that entrance and use Domon Lane. Parkinson said once Lewis Drive is a dedicated public way it would require the Town Council to close it. You are looking at a completely different process and that would be completely up to the Town Council. It would require the opening of a new public way which would probably involve the replating of the property or a dedication by the owner and that I would anticipate the Council requiring them to improve it as well. Toni Biancardi said that was my question, who would be responsible to improve Domon Lane if the entrance was changed. Parkinson said you are looking at a plat that includes the opening of a public way, Lewis Drive. There is nothing in front of you that suggests at this point that that will be closed in the future. You are looking at the plat as it exists. Meeks said the entire frontage is 240 feet so you are limited where you can put this road.

Jennifer Draves said you are offering another product to Burns Harbor, how much is your other product? Rick Milton said around \$255,000, it could go higher.

Freeze closed the public hearing.

14-3-5 B says if the Plan Commission disapproves you must prepare findings. Parkinson recommended voting on the primary plat and he will prepare findings consistent with the decision.

Meeks moved to approve the primary plat of Stone River Subdivision. Virginia Bain seconded the motion.

Meeks asked if the manhole can be moved. Rick Milton asked to where. Swanson said the idea of moving the manhole was so they didn't have to tear the street up. I don't care if they tear your street up as long as we haven't accepted the road yet. Virginia Bain said moving the sewer was for Mr. Roberts, correct. Vic Roberts said he would be happy with a stub. Ballard said I don't want to spend Mr. Lewis' money without speaking to him first. Shem Khalil said it is an expense to the subdivision regardless if it is 10 feet or 50 feet. The sanitary sewer as it exists right now provides additional capacity for hook ups for the size of the pipe.

There was discussion between Vic Roberts, Shem Khalil and Jeff Ballard. Vic Roberts identified a 10 foot drainage and utility easement. Shem Khalil asked if that was the developer's intention. Ballard said it is showing it so it must be an easement.

Meeks said it is a non issue. Vic Roberts said no because the road will have to be torn up for me to get to it eventually.

There was discussion that if there was excavation surety would probably be required to put the road back in place.

The secretary said our park lands ordinance does not specify a time for monetary donations to be paid. Included in primary approval of a previous subdivision payment was required one year after the secondary plat was approved or 50% of the lots were sold whichever came first.

Meeks amended the motion to include payment of donation to the park to be made one year after secondary plat approval or 50% of the lots are sold whichever comes first. Virginia Bain seconded the motion.

Vic Roberts asked what was the decision on the manhole 110. Shem Khalil said there is a utility easement if the developer doesn't object to extend the lateral. Rick Milton said when you extend laterals you extend an extreme amount of cost. Parkinson said ordinarily these are matters between two property owners. If the concern is tearing up the road that is typically covered during the process of excavation at no expense to the town because there would be a bond in place for that repair. You seem to be getting into a matter that is more appropriate for the adjacent property owners to determine for themselves.

Swanson voted yes, Meeks voted yes, McGee voted no, Freeze voted no, Louis Bain voted no, Virginia Bain voted yes.

Louis Bain said Mr. Lewis, Mr. Fleming and Mr. Roberts need to work together for their developments to be conducive. Louis Bain said a good idea to facilitate developments working together would be to contact surrounding property owners so we can resolve most of this before it comes to us.

Old Business

Master Plan – Discussion of survey questions

Board members will edit questions and add questions to the survey from 1993 to determine what the residents would like to see for the town to be discussed at the May meeting. The survey will be sent out in the newsletter to be mailed in May.

Bain moved to recommend to the Town Council to pay the postage on the self addressed stamped envelope for the master plan survey. Meeks seconded the motion. Motion carried by unanimous roll call vote.

New Business

Development Moratorium

Freeze asked if we can identify a specific area of the town for moratorium. Parkinson summarized the two cases that arose out of Indiana; the process if you want to enact one of these must proceed like a zoning change. As a zoning change what you would need is a legal description of the properties. It needs to be sufficiently described so you can provide notice to the adjacent property owners and the property owners within the affected area.

Tabled until the May meeting.

Other

May meeting date

Virginia Bain moved to reschedule the May meeting to Monday, May 12, 2008 at 7 pm. Meeks seconded the motion. Motion carried by unanimous roll call vote.

Adjourn

Meeks moved to adjourn the meeting at 9:05 p.m. McGee seconded the motion. Motion carried by unanimous roll call vote.

Approved May 12, 2008

Jeff Freeze, President

Toni Biancardi, Secretary