

CHESTERTON ADVISORY PLAN COMMISSION
FEBRUARY 21, 2019
6:30 P.M.

The meeting was called to order at 6:30 P.M. Present were members F. Owens, N. Cobbs, T. Kopko, G. Stone, J. Kowalski and president S. Darnell. Town Engineer M. O'Dell was in attendance. Attorney C. Parkinson was present as legal advisor. Member J. Trout was absent. The pledge of allegiance was recited.

APPROVAL OF MINUTES

Member G. Stone moved approval of the minutes from January 17, 2019 seconded by member T. Kopko and passed by unanimous voice vote.

COMMENTS FROM THE PUBLIC

Mr. Tom Byrnes of 1031 Primrose Circle, Chesterton was present. He commented to the board that the public comment portion of the public hearing was closed at the December meeting. At this meeting several neighboring residents spoke in opposition to the petition. Mr. James Jeselnick presented a lengthy list of concerns in opposition to the petition both verbally and in a written statement to the board which was entered into the record. At the January meeting member J. Trout read excerpts of a letter once again submitted by James Jeselnick which seemed to back peddle on many of the issues that had initially concerned him. He questioned the board, "Is that second letter not a form of public comment? He questioned whether other residents would once again have an opportunity to comment.

President S. Darnell said she very much understood the remonstrators position on the matter. She commented that there was no new material submitted in January therefore no decision had been made by the board. She implied that once a revised PUD was submitted the board would likely take comments from the floor.

Member J. Kowalski was in agreement with president Darnell.

Attorney C. Parkinson stated that anyone could have gotten up last month and made a comment during the comments portion of the meeting. Whether that then becomes part of the record of the public hearing is a legal issue. He said nothing would have prevented Mr. Jeselnick from coming to the meeting last month and the board hearing the comments contained in that letter. It becomes a legal issue whether it becomes part of the record and subject to rebuttal.

Mr. Byrnes commented that if the public comment portion of the meeting is closed, it's closed for everyone.

President S. Darnell commented that if you have something to say to either this board or the town council that is what the podium is there for.

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Attorney C. Parkinson said that in his legal opinion that letter should not form the basis for the board's decision unless you reopen the public comment to admit that letter.

Residents in attendance this evening questioned if the excerpts from that letter are a part of the minutes.

Attorney C. Parkinson said being in the minutes is no different than someone stepping up or submitting a letter as part of the public comment portion. If someone sends the board a letter after the public comment portion of the public hearing is closed you as a board cannot consider it.

Linda Vogt of 144 Richter St., Chesterton told the board that she felt member J. Trout should recuse himself from this petition.

PRELIMINARY HEARINGS- None

CONCEPT REVIEW- None

PUBLIC HEARINGS

John Nekus, JVJ Development, Duneland Prairie Residents, Requesting Approval of A Planned Unit Development. (Petitioner has filed a formal request to continue this item at the February meeting.)

Member R. Corder moved to continue this item seconded by member N. Cobbs and passed by a vote of 5 to 1, member J. Kowalski voting no.

Olthof Homes and Larry Wright Requesting an Amendment to the Primary Plat for Springdale. This public hearing had been continued from the January meeting. The secretary verified that a list of property owners was received from the petitioner and was found to be in order. Mr. Ed Recktenwall of Olthof Homes was present. He told the board they had been working with staff to complete the necessary changes to the construction drawings. He respectfully requested the board to approve the primary plat.

Town Engineer M. O'Dell told the board there were still a few items which are very minor in nature that still need to be satisfied on the construction drawings. He recommended the board approve the primary plat contingent upon the necessary recommendations being made to the construction drawings.

Member G. Stone moved approval of the primary plat for this item subject to the necessary construction drawings being submitted seconded by member F. Owens and passed by a vote of 5 to 1 with member R. Corder voting no.

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OLD BUSINESS

Lake Erie Land Company, Requesting Secondary Plat Approval in the 1st Addition To Coffee Creek Center Phase "B" Lot 7 & 8. No new information had been presented for this item.

Town Engineer M. O'Dell told the board that the entities involved with this petition had been going back and forth in discussions.

Attorney C. Parkinson suggested leaving this item on the agenda and if nobody shows up to next month's meeting the board might consider removing it from the agenda.

Member G. Stone moved to continue this item seconded by member N. Cobbs and passed by unanimous voice vote.

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NEW BUSINESS

Town Engineer M. O'Dell distributed a list of active bonds and a history of bonds. He requested permission to work with the attorney to determine which bonds are valid and can either be released to the developer or shredded. Some of the items on the list go back to 1991.

Attorney C. Parkinson said that after the bond history is determined the board might take action to formally release the bonds even though they have expired.

It was the general consensus of the board to have M. O'Dell and the attorney move forward on this housekeeping project.

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board member N. Cobbs moved adjournment seconded by member T. Kopko and passed by unanimous voice vote. The meeting adjourned at 6:50 P.M.

Respectfully submitted,

Gail Murawski, Secretary

Approved;

S. Darnell, President